"The Merchant Shipping Act, 1854."

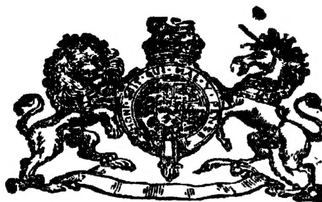


AN ACT

TO AMEND AND CONSOLIDATE THE ACTS RELATING TO

Merchant Shipping.

[10*th* *August* 1854.]



Calcutta:

Re-printed by Thos. Jones, "Calcutta Gazette" Office.

1855.



MERCHANT SHIPPING ACT.

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Anno Decimo-Septimo & Decimo-Octavo

VICTORIÆ REGINÆ.

CAP. CIV.

An Act to amend and consolidate the Acts relating to Merchant Shipping.

[10th *August* 1854.]

WHEREAS it is expedient to amend and consolidate the Acts relating to Merchant Shipping: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Preliminary.

Short Title of Act.

1. This Act may be cited for all Purposes as "The Merchant Shipping Act, 1854."

Interpretation of certain Terms in this Act.

2. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following

Preliminary. Terms shall have the respective Meanings herein-after assigned to them; that is to say,

"Her Majesty's Dominions" shall mean Her Majesty's Dominions strictly so called, and all Territories under the Government of the *East India* Company, and all other Territories (if any) governed by any Charter or Licence from the Crown or Parliament of the United Kingdom:

"The United Kingdom" shall mean *Great Britain* and *Ireland*:

"*British* Possession" shall mean any Colony, Plantation, Island, Territory, or Settlement within Her Majesty's Dominions, and not within the "United Kingdom:"

"The Treasury" shall mean the Commissioners of Her Majesty's Treasury:

"The Admiralty" shall mean the Lord High Admiral or the Commissioners for executing his Office:

"The Board of Trade" shall mean the Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

"The *Trinity House*" shall mean the Master, Wardens, and Assistants of the Guild, Fraternity, or Brotherhood of the Most Glorious and Undivided *Trinity* and of *St. Clement* in the Parish of *Deptford Strond* in the County of *Kent*, commonly called the Corporation of the *Trinity House of Deptford Strond*:

"The Port of *Dublin* Corporation" shall mean the Corporation for preserving and improving the Port of *Dublin*:

"Consular Officer" shall include Consul General, Consul, and Vice Consul, and any Person for the Time being discharging the Duties of Consul General, Consul, or Vice Consul:

"Receiver" shall mean any Person appointed in pursuance of this Act Receiver of Wreck:

"Pilotage Authority" shall include all Bodies and Persons authorized to appoint or license Pilots, or to fix or alter rates of Pilotage, or to exercise any Jurisdiction in respect of Pilotage:

"Pilot" shall mean any Person not belonging to a Ship who has the Conduct thereof: Preliminary.

"Qualified Pilot" shall mean any Person duly licensed by any Pilotage Authority to conduct Ships to which he does not belong:

"Master" shall include every Person (except a Pilot) having Command or Charge of any Ship:

"Seaman" shall include every Person (except Masters, Pilots, and Apprentices duly indentured and registered,) employed or engaged in any capacity on board any Ship:

"Salvor" shall, in the Case of Salvage Services rendered by the Officers or Crew or Part of the Crew of any Ship belonging to Her Majesty, mean the Person in command of such Ship:

"Person" shall include Body Corporate:

"Ship" shall include every Description of Vessel used in Navigation not propelled by Oars:

"Foreign-going Ship" shall include every Ship employed in trading or going between some Place or Places in the United Kingdom, and some Place or Places situate beyond the following Limits; that is to say, the Coasts of the United Kingdom, the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney*, and *Man* and the Continent of *Europe* between the River *Elbe* and *Brest* inclusive:

"Home-trade Ship" shall include every Ship employed in trading or going within the following Limits; that is to say, the United Kingdom, the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney*, and *Man*, and the Continent of *Europe* between the River *Elbe* and *Brest* inclusive:

"Home-trade Passenger Ship" shall mean every Home-trade Ship employed in carrying Passengers:

"Lighthouses" shall, in addition to the ordinary Meaning of the Word, include Floating and other Lights exhibited for the Guidance of Ships, and "Buoys and Beacons" shall include all other Marks and Signs of the Sea:

Preliminary.

"Wreck" shall include Jetsam, Flotsam, Lagan, and Derelict found in or on the Shores of the Sea or any Tidal Water.

Commencement of Act.

3. This Act shall come into operation on the First Day of *May* One thousand eight hundred and fifty-five.

Exemption of Her Majesty's Ships.

4. This Act shall not, except as herein-after specially provided, apply to Ships belonging to Her Majesty.

Division of Act.

5. This Act shall be divided into Eleven Parts:—

The First Part relating to the Board of Trade: its general Functions:

The Second Part to British Ships: their Ownership, Measurement, and Registry:

The Third Part to Masters and Seamen:

The Fourth Part to Safety and Prevention of Accidents:

The Fifth Part to Pilotage:

The Sixth Part to Lighthouses:

The Seventh Part to the Mercantile Marine Fund:

The Eighth Part to Wrecks, Casualties, and Salvage:

The Ninth Part to Liability of Ship owners:

The Tenth Part to legal Procedure:

The Eleventh Part to Miscellaneous Matters.

PART I.

THE BOARD OF TRADE: ITS GENERAL FUNCTIONS.

Board of Trade to be Department to superintend Merchant Shipping.

6. The Board of Trade shall be the Department to undertake the general Superintendence of Matters relating to Merchant Ships and Seamen, and shall be authorized to carry into execution the Provisions of this Act, and of all other Acts relating to Merchant

Ships and Seamen in force for the Time being, other than such Acts as relate to the Revenue.

Functions of Board of Trade.

7. All Documents whatever purporting to be issued or written by or under the Direction of the Board of Trade, and purporting either to be sealed with the Seal of such Board, or to be signed by One of the Secretaries or Assistant Secretaries to such Board, shall be received in Evidence, and shall be deemed to be issued or written by or under the Direction of the said Board, without further Proof, unless the contrary be shown; and all Documents purporting to be Certificates issued by the Board of Trade in pursuance of this Act, and to be sealed with the Seal of such Board, or to be signed by One of the Officers of the Marine Department of such Board, shall be received in Evidence, and shall be deemed to be such Certificates, without further Proof, unless the contrary be shown.

Certificates and Documents purporting to be sealed or signed in a given Manner to be received in Evidence.

8. The Board of Trade may from Time to Time prepare and sanction Forms of the various Books, Instruments, and Papers required by this Act other than those required by the Second Part thereof, and may from Time to Time make such Alterations therein as it deems requisite; and shall, before finally issuing or altering any such Form, give such public Notice thereof as it deems necessary in order to prevent Inconvenience; and shall cause every such Form to be sealed with such Seal as aforesaid, or marked with some other distinguishing Mark, and to be supplied at the Custom Houses and Shipping Offices of the United Kingdom free of Charge, or at such moderate Prices as it may from Time to Time fix, or may license any Persons to print and sell the same; and every such Book, Instrument, and Paper as aforesaid shall be made in the Form issued by the Board of Trade, and sanctioned by it as the proper Form for the Time being; and no such Book, Instrument, or Paper as aforesaid, unless made in such Form, shall be admissible in Evidence in any Civil Proceeding on the Part of any Owner or Master of any Ship; and every such Book, Instrument, or Paper, if made in a Form purporting to be a proper

Board of Trade to issue Forms of Instruments.

Functions of Board of Trade.

Form, and to be sealed or marked as aforesaid, shall be taken to be made in the Form hereby required, unless the contrary is proved.

Certain Forms and Instruments to be exempt from Stamp Duty.

9. All Instruments used in carrying into effect the Second Part of this Act, if not already exempted from Stamp Duty, and all Instruments which by the Third, Fourth, Sixth, or Seventh Parts of this Act are required to be made in Forms sanctioned by the Board of Trade, if made in such Forms, and all Instruments used by or under the Direction of the Board of Trade in carrying such Parts of this Act into effect, shall be exempt from Stamp Duty.

Penalties for Forgery of Seal and fraudulent Alteration of Forms, and for not using Forms issued by Board of Trade.

10. Every Person who forges, assists in forging, or procures to be forged, such Seal or other distinguishing Mark as aforesaid, or who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Form issued by the Board of Trade, with the view of evading any of the Provisions of this Act or any Condition contained in such Form, shall for each Offence be deemed guilty of a Misdemeanor; and every Person who, in any Case in which a Form sanctioned by the Board of Trade is, by the Third Part of this Act required to be used, uses without reasonable Excuse any Form not purporting to be so sanctioned, or who prints, sells or uses any Document purporting to be a Form so sanctioned knowing the same not to be so sanctioned for the Time being or not to have been prepared and issued by the Board of Trade, shall for each such Offence incur a Penalty not exceeding Ten Pounds.

Application of Monies and Fines paid to Board of Trade.

11. Subject to the Provisions herein-after contained, all Fees and Payments (other than Fines) coming to the Hands of the Board of Trade under the Third and Fourth Parts of this Act, shall be carried to the Account of the Mercantile Marine Fund herein-after mentioned, and shall be dealt with as herein prescribed in that Behalf; and all Fines coming to the Hands of the Board of Trade under this Act shall be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Treasury may direct, and

shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Functions of Board of Trade.

Returns to Board of Trade.

12. All Consular Officers, and all Officers of Customs abroad, and all Local Marine Boards and Shipping Masters, shall make and send to the Board of Trade such Returns or Reports on any Matter relating to *British* Merchant Shipping or Seamen as such Board requires; and all Shipping Masters shall, whenever required by the Board of Trade, produce to such Board or to its Officers all official Log Books and other Documents which, in pursuance of this Act, are delivered to them.

Officers of Board of Trade, Naval Officers, Consuls, the Registrar General of Seamen, Officers of Customs and Shipping Masters, may inspect Documents and muster Crews.

13. Every Officer of the Board of Trade, and every Commissioned Officer of any of Her Majesty's Ships on Full Pay, and every *British* Consular Officer, and the Registrar General of Seamen and his Assistant, and every Chief Officer of Customs in any Place in Her Majesty's Dominions, and every Shipping Master, may, in Cases where he has Reason to suspect that the Provisions of this Act or the Laws for the Time being relating to Merchant Seamen and to Navigation are not complied with, exercise the following Powers; (that is to say,)

He may require the Owner, Master, or any of the Crew of any *British* Ship to produce any Official Log Books or other Documents relating to such Crew or any Member thereof in their respective Possession or Control:

He may require any such Master to produce a List of all Persons on board his Ship and take Copies of such Official Log Books, or Documents, or of any Part thereof:

He may muster the Crew of any such Ship:

He may summon the Master to appear and give any Explanation concerning such Ship or her Crew or the said Official Log Books or Documents:

And if upon Requisition duly made by any Person so authorized in that Behalf as aforesaid, any Person refuses or neglects to produce any such Official Log Book or Document as he is herein-before required to produce, or to allow the same to be inspected or copied

Functions of Board of Trade.

as aforesaid, or impedes any such Muster of a Crew as aforesaid, or refuses or neglects to give any Explanation which he is herein-before required to give, or knowingly misleads or deceives any Person herein-before authorized to demand any such Explanation, he shall for each such Offence incur a Penalty not exceeding Twenty Pounds.

Board of Trade may appoint Inspectors.

14. The Board of Trade may from Time to Time, whenever it seems expedient to them so to do, appoint any Person, as an Inspector, to report to them upon the following Matters; (that is to say,)

(1.) Upon the Nature and Causes of any Accident or Damage which any Ship has sustained or caused, or is alleged to have sustained or caused:

(2.) Whether the Provisions of this Act, or any Regulations made under or by virtue of this Act, have been complied with:

(3.) Whether the Hull and Machinery of any Steam Ship are sufficient and in good Condition.

Powers of Inspectors.

15. Every such Inspector as aforesaid shall have the following Powers; (that is to say,)

(1.) He may go on board any Ship, and may inspect the same or any Part thereof, or any of the Machinery, Boats, Equipments, or Articles on board thereof to which the Provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any Voyage:

(2.) He may enter and inspect any Premises the Entry or Inspection of which appears to him to be requisite for the Purpose of the Report which he is directed to make:

(3.) He may, by Summons under his Hand, require the Attendance of all such Persons as he thinks fit to call before him and examine for such Purpose, and may require Answers or Returns to any Inquiries he thinks fit to make:

(4.) He may require and enforce the Production of all Books, Papers, or Documents which he considers important for such Purpose:

(5.) He may administer Oaths, or may, in lieu of requiring or administering an Oath, require every person examined by him to make and subscribe a Declaration of the Truth of the Statements made by him in his Examination :

Functions of Board of Trade.

And every Witness so summoned as aforesaid shall be allowed such Expenses as would be allowed to any Witness attending on Subpœna to give Evidence before any Court of Record, or if in *Scotland*, to any Witness attending on Citation the Court of Justiciary; and in case of any Dispute as to the Amount of such Expenses the same shall be referred by the Inspector to One of the Masters of Her Majesty's Court of Queen's Bench in *England* or *Ireland*, or to the Queen's and Lord Treasurer's Remembrancer in *Scotland*, who, on a Request made to him for that Purpose under the Hand of the said Inspector, shall ascertain and certify the proper Amount of such Expenses; and every Person who refuses to attend as a Witness before any such Inspector, after having been required so to do in the Manner hereby directed and after having had a Tender made to him of the Expenses (if any) to which he is entitled as aforesaid, or who refuses or neglects to make any Answer, or to give any Return, or to produce any Document in his Possession, or to make or subscribe any Declarations which any such Inspector is hereby empowered to require, shall for each such Offence incur a Penalty not exceeding Ten Pounds.

Witnesses to be allowed Expenses.

Penalty for refusing to give Evidence.

16. Every Person who wilfully impedes any such Inspector appointed by the Board of Trade as aforesaid in the Execution of his Duty, whether on board any Ship or elsewhere, shall incur a Penalty not exceeding Ten Pounds, and may be seized and detained by such Inspector or other Person or by any Person or Persons whom he may call to his Assistance until such Offender can be conveniently taken before some Justice of the Peace or other Officer having proper Jurisdiction.

Penalty for obstructing Inspectors in the Execution of their Duty.

PART II.

BRITISH SHIPS: THEIR OWNERSHIP, MEASUREMENT AND REGISTRY.

Application.

Application.

Application of Part II. of Act.

17. The Second Part of this Act shall apply to the whole of Her Majesty's Dominions.

Description and Ownership of British Ships.

Description and Ownership of British Ships.

Description and Ownership of British Ships.

18. No Ship shall be deemed to be a *British* Ship unless she belongs wholly to Owners of the following Description; that is to say,

(1.) Natural-born *British* Subjects:

Provided that no natural-born Subject who has taken the Oath of Allegiance to any Foreign Sovereign or State shall be entitled to be such Owner as aforesaid, unless, he has subsequently to taking such last-mentioned Oath taken the Oath of Allegiance to Her Majesty, and is and continues to be during the whole Period of his so being an Owner resident in some Place within Her Majesty's Dominions, or if not so resident, Member of a *British* Factory, or Partner in a House actually carrying on Business in the United Kingdom or in some other Place within Her Majesty's Dominions:

(2.) Persons made Denizens by Letters of Denization, or naturalized by or pursuant to any Act of the Imperial Legislatures or by or pursuant to any Act or Ordinance of the proper legislative Authority in any *British* Possession:

Provided that such Persons are and continue to be during the whole Period of their so being Owners resident in some

Place within Her Majesty's Dominions, or if not so resident, Members of a *British* Factory, or Partners in a House actually carrying on Business in the United Kingdom or in some other Place within Her Majesty's Dominions, and have taken the Oath of Allegiance to Her Majesty subsequently to the Period of their being so made Denizens or naturalized:

Description and Ownership of British Ships.

(3.) Bodies Corporate established under, subject to the Laws of, and having their principal Place of Business in the United Kingdom or some *British* Possession.

19. Every *British* Ship must be registered in manner hereinafter mentioned, except,

British Ships with certain Exceptions must be registered.

(1.) Ships duly registered before this Act comes into operation:

(2.) Ships not exceeding Fifteen Tons Burden employed solely in Navigation on the Rivers or Coasts of the United Kingdom, or on the Rivers or Coasts of some *British* Possession within which the Managing Owners of such Ships are resident:

(3.) Ships not exceeding Thirty Tons Burden, and not having a whole or fixed Deck, and employed solely in fishing or trading coastwise on the Shores of *Newfoundland* or Parts adjacent thereto, or in the Gulf of *St. Lawrence*, or on such Portion of the Coasts of *Canada, Nova Scotia*, or *New Brunswick* as lie bordering on such Gulf:

And no Ship hereby required to be registered shall, unless registered, be recognized as a *British* Ship; and no Officer of Customs shall grant a Clearance or Transire to any Ship hereby required to be registered for the Purpose of enabling her to proceed to Sea as a *British* Ship, unless the Master of such Ship, upon being required so to do, produces to him such Certificate of Registry as is herein-after mentioned; and if such Ship attempts to proceed to Sea as a *British* Ship without a Clearance or Transire, such Officer may detain such Ship until such Certificate is produced to him.

Measurement of Tonnage.

Measurement of Tonnage.

Tonnage Deck; Feet Decimals.

20. Throughout the following Rules the Tonnage Deck shall be taken to be the Upper Deck in Ships which have less than Three Decks, and to be the Second Deck from below in all other Ships; and in carrying such Rules into effect all Measurements shall be taken in Feet and Fractions of Feet, and all Fractions of Feet shall be expressed in Decimals.

RULE I.

For Ships to be registered and other Ships of which the Hold is clear.

21. The Tonnage of every Ship to be registered, with the Exceptions mentioned in the next Section, shall previously to her being registered be ascertained by the following Rule, herein-after called Rule I.; and the Tonnage of every Ship to which such Rule can be applied, whether she is about to be registered or not, shall be ascertained by the same Rule:

Lengths.

(1.) Measure the Length of the Ship in a straight Line along the upper Side of the Tonnage Deck from the Inside of the inner Plank (average Thickness) at the Side of the Stem to the Inside of the Midship Stern Timber or Plank there, as the Case may be, (average Thickness,) deducting from this Length what is due to the Rake of the Bow in the Thickness of the Deck, and what is due to the Rake of the Stern Timber in the Thickness of the Deck, and also what is due to the Rake of the Stern Timber in One Third of the Round of the Beam; divide the Length so taken into the Number of equal Parts required by the following Table, according to the Class in such Table, to which the Ship belongs:

TABLE.

Class 1. Ships of which the Tonnage Deck is according to the above Measurement 50 Feet long or under, into 4 equal Parts:

„ 2. Ships of which the Tonnage Deck is according to the above Measurement above 50 Feet long and not exceeding 120, into 6 equal Parts:

Class 3. Ships of which the Tonnage Deck is according to the above Measurement above 120 Feet long and not exceeding 180, into 8 equal Parts: *Measurement of Tonnage.*

„ 4. Ships of which the Tonnage Deck is according to the above Measurement above 180 Feet long and not exceeding 225, into 10 equal Parts:

„ 5. Ships of which the Tonnage Deck is according to the above Measurement above 225 Feet long, into 12 equal Parts:

(2.) Then, the Hold being first sufficiently cleared to admit of the required Depths and Breadths being properly taken, find the Transverse Area of such Ship at each Point of Division of the Length as follows:—Measure the Depth at each Point of Division, from a Point at a Distance of One Third of the Round of the Beam below such Deck, or, in case of a break, below a Line stretched in continuation thereof, to the upper Side of the Floor Timber at the Inside of the Limber Strake, after deducting the average Thickness of the Ceiling which is between the Bilge Planks and Limber Strake; then, if the Depth at the Midship Division of the Length do not exceed Sixteen Feet, divide each Depth into Four equal Parts; then measure the inside horizontal Breadth at each of the Three Points of Division, and also at the upper and lower Points of the Depth, extending each Measurement to the average Thickness of that Part of the Ceiling which is between the Points of Measurement; number these Breadths from above (*i. e.* numbering the upper Breadth One, and so on down to the lowest Breadth); multiply the Second and Fourth by Four, and the Third by Two; add these Products together, and to the Sum add the First Breadth and the Fifth; multiply the Quantity thus obtained by One Third of the common Interval between the Breadths, and the Product shall be deemed the Transverse Area; but if the Midship Depth exceed Sixteen Feet, divide each Depth into Transverse Areas.

Measurement of Tonnage.

Six equal Parts instead of Four, and measure as before directed the horizontal Breadths at the Five Points of Division, and also at the upper and lower Points of the Depth; number them from above as before; multiply the Second, Fourth, and Sixth by Four, and the Third and Fifth by Two; add these Products together, and to the Sum add the First Breadth and the Seventh; multiply the Quantity thus obtained by One Third of the common Interval between the Breadths, and the Product shall be deemed the Transverse Area.

Computation from Areas.

(3.) Having thus ascertained the Transverse Area at each Point of Division of the Length of the Ship as required by the above Table, proceed to ascertain the Register Tonnage of the Ship in the following Manner:—Number the Areas successively 1, 2, 3, &c., No. 1 being at the extreme Limit of the Length at the Bow, and the last No. at the extreme Limit of the Length at the Stern; then, whether the Length be divided according to the Table into Four or Twelve Parts as in Classes 1 and 5, or any intermediate Number as in Classes 2, 3, and 4, multiply the Second and every even numbered Area by Four, and the Third and every odd numbered Area (except the First and Last) by Two; add these Products together, and to the Sum add the First and Last if they yield anything; multiply the Quantity thus obtained by One Third of the common Interval between the Areas, and the Product will be the Cubical Contents of the Space under the Tonnage Deck; divide this Product by One hundred, and the Quotient being the Tonnage under the Tonnage Deck shall be deemed to be the Register Tonnage of the Ship, subject to the Additions and Deductions herein-after mentioned.

Poop and any other closed-in Space.

(4.) If there be a Break, a Poop, or any other permanent closed-in Space on the upper Deck, available for Cargo or Stores, or for the Berthing or Accommodation of Passengers or Crew, the Tonnage of such Space shall be ascertained as follows:—Measure the internal mean Length of such Space in Feet, and

divide it into Two equal Parts; measure at the Middle of its Height Three inside Breadths, namely, one at each End and the other at the Middle of the Length; then to the Sum of the End Breadths add Four Times the Middle Breadth, and multiply the whole Sum by One Third of the common Interval between the Breadths; the Product will give the mean horizontal Area of such Space; then measure the mean Height, and multiply by it the mean horizontal Area; divide the Product by One hundred, and the Quotient shall be deemed to be the Tonnage of such Space, and shall be added to the Tonnage under the Tonnage Deck, ascertained as aforesaid, subject to the following Provisoes; first, that nothing shall be added for a closed-in Space solely appropriated to the berthing of the Crew, unless such Space exceeds One Twentieth of the remaining Tonnage of the Ship, and in case of such Excess the Excess only shall be added; and, secondly, that nothing shall be added in respect of any Building erected for the Shelter of Deck Passengers, and approved by the Board of Trade.

Measurement of Tonnage.

(5.) If the Ship has a Third Deck, commonly called a Spar Deck, the Tonnage of the Space between it and the Tonnage Deck, shall be ascertained as follows:—Measure in Feet the inside Length of the Space at the Middle of its Height from the Plank at the Side of the Stem to the Lining on the Timbers at the Stern, and divide the Length into the same Number of equal Parts into which the Length of the Tonnage Deck is divided as above directed; measure (also at the Middle of its Height) the inside Breadth of the Space at each of the Points of Division, also the Breadth of the Stem and the Breadth at the Stern; number them successively 1, 2, 3, &c., commencing at the Stem; multiply the Second and all the other even numbered Breadths by Four, and the Third and all the other odd numbered Breadths (except the First and Last) by Two; to the Sum of these Products add the First and

In case of Two or more Decks.

Measure of Tonnage.

Last Breadths; multiply the whole Sum by One Third of the common Interval between the Breadths, and the Result will give in Superficial Feet the mean horizontal Area of such Space; measure the mean Height of such Space, and multiply by it the mean horizontal Area, and the Product will be the Cubical Contents of the Space; divide this Product by One hundred, and the Quotient shall be deemed to be the Tonnage of such Space, and shall be added to the other Tonnage of the Ship ascertained as aforesaid; and if the Ship has more than Three Decks, the Tonnage of each Space between Decks above the Tonnage Deck shall be severally ascertained in manner above described, and shall be added to the Tonnage of the Ship ascertained as aforesaid.

RULE II.

For Ships not requiring Registry with Cargo on board.

22. Ships which, requiring to be measured for any Purpose other than Registry, have Cargo on board, and Ships which, requiring to be measured for the Purpose of Registry, cannot be measured by the Rule above given, shall be measured by the following Rule, herein-after called Rule II.:

Length.

(1.) Measure the Length on the Upper Deck from the Outside of the outer Plank at the Stem to the Aftside of the Stern Post, deducting therefrom the Distance between the Aftside of the Stern Post and the Rabbet of the Stern Post at the Point where the Counter Plank crosses it; measure also the greatest Breadth of the Ship to the Outside of the outer Planking or Wales, and then, having first marked on the Outside of the Ship on both Sides thereof the Height of the Upper Deck at the Ship's Sides, girt the Ship at the greatest Breadth in a Direction perpendicular to the Keel from the Height so marked on the Outside of the Ship on the one Side to the Height so marked on the other Side by passing a Chain under the Keel; to Half the Girth thus taken add Half the main Breadth; square the Sum; multiply the Result by the Length of the Ship taken as aforesaid; then multiply this Product by the Factor ·0018 (Eighteen Ten-thousandths) in the Case of Ships

Breadth.

Girting of the Ship.

built of Wood, and by ·0021 (Twenty-one Ten-thousandths) in the Case of Ships built of Iron, and the Product shall be deemed the Register Tonnage of Ship the subject to the Additions and Deductions herein-after mentioned. *Measurement of Tonnage.*

(2.) If there be a Break, a Poop or other closed-in Space on the Upper Deck, the Tonnage of such Space shall be ascertained by multiplying together the mean Length, Breadth, and Depth of such Space, and dividing the Product by 100, and the Quotient so obtained shall be deemed to be the Tonnage of such Space and shall, subject to the Deduction for a closed-in Space appropriated to the Crew as mentioned in Rule I., be added to the Tonnage of the Ship ascertained as aforesaid. Poop and other closed-in Spaces on Upper Deck.

RULE III.

Allowance for Engine Room in Steamers.

23. In every Ship propelled by Steam or other Power requiring Engine Room, an Allowance shall be made for the Space occupied by the propelling Power, and the Amount so allowed shall be deducted from the gross Tonnage of the Ship ascertained as aforesaid, and the Remainder shall be deemed to be the Register Tonnage of such Ship; and such Deduction shall be estimated as follows; (that is to say,)

(*a.*) As regards Ships propelled by Paddle Wheels in which the Tonnage of the Space solely occupied by and necessary for the proper working of the Boilers and Machinery is above Twenty *per Cent.* and under Thirty *per Cent.* of the gross Tonnage of the Ship, such Deduction shall be Thirty-seven One-hundredths of such gross Tonnage; and in Ships propelled by Screws in which the Tonnage of such Space is above Thirteen *per Cent.* and under Twenty *per Cent.* of such gross Tonnage, such Deduction shall be Thirty-two One-hundredths of such gross Tonnage: To be rateable in ordinary Steamers.

(*b.*) As regards all other Ships, the Deduction shall, if the Commissioners of Customs and the Owner both agree thereto, be estimated in the same Manner; but either they or he may in their or his Discretion require the Space to be measured and the Deduction estimated accordingly; and whenever such May be Measured where the Space is unusually large or small.

Measurement of Tonnage.

Measurement is so required the Deduction shall consist of the Tonnage of the Space actually occupied by or required to be inclosed for the proper Working of the Boilers and Machinery, with the Addition in the Case of Ships propelled by Paddle Wheels of One Half, and in the Case of Ships propelled by Screws of Three Fourths of the Tonnage of such Space; and the Measurement and Use of such Space shall be governed by the following Rules; (that is to say,)

Mode of Measurement.

(1.) Measure the mean Depth of the Space from its Crown to the Ceiling at the Limber Strake, measure also Three, or, if necessary, more than Three Breadths of the Space at the Middle of its Depth, taking one of such Measurements at each End, and another at the Middle of the Length; take the Mean of such Breadths; measure also the mean Length of the Space between the foremost and aftermost Bulkheads or Limits of its Length, excluding such Parts, if any, as are not actually occupied by or required for the proper Working of the Machinery; multiply together these Three Dimensions of Length, Breadth, and Depth, and the Product will be the Cubical Contents of the Space below the Crown; then find the Cubical Contents of the Space or Spaces, if any, above the Crown aforesaid, which are framed in for the Machinery or for the Admission of Light and Air, by multiplying together the Length, Depth, and Breadth thereof; add such Contents to the Cubical Contents of the Space below the Crown; divide the Sum by 100; and the Result shall be deemed to be the Tonnage of the said Space.

In case of separate Compartments.

(2.) If in any Ship in which the Space aforesaid is to be measured the Engines and Boilers are fitted in separate Compartments, the Contents of each shall be measured severally in like Manner, according to the above Rules, and the Sum of their several Results shall be deemed to be the Tonnage of the said Space:

Shaft Trunk of Screw Steamer.

(3.) In the case of Screw Steamers in which the Space aforesaid is to be measured, the Contents of the Shaft Trunk shall be

added to and deemed to form Part of such Space, and shall be ascertained by multiplying together the mean Length, Breadth, and Depth of the Trunk, and dividing the Product by 100:

Measurement of Tonnage.

(4.) If in any Ship in which the Space aforesaid is to be measured any alteration be made in the Length or Capacity of such Space, or if any Cabins be fitted in such Space, such Ship shall be deemed to be a Ship not registered until Remeasurement:

Alteration of Engine Room.

(5.) If in any Ship in which the Space aforesaid is to be measured any Goods or Stores are stowed or carried in such Space, the Master and Owner shall each be liable to a Penalty not exceeding One hundred Pounds.

Penalty for carrying Goods in such Space.

24. In ascertaining the Tonnage of open Ships the upper Edge of the upper Strake is to form the Boundary Line of Measurement, and the Depths shall be taken from an athwartship Line, extended from upper Edge to upper Edge of the said Strake at each Division of the Length.

RULE IV.

Open Ships how measured.

25. In every registered *British* Ship the Number denoting the Register Tonnage, ascertained as herein-before directed, and the Number of her Certificate of Registry, shall be deeply carved or otherwise permanently marked on her Main Beam, and shall be so continued; and if it at any Time cease to be so continued such Ship shall no longer be recognized as a *British* Ship.

Tonnage and Number of Certificate to be carved on Main Beam.

26. Whenever the Tonnage of any Ship has been ascertained and registered in accordance with the Provisions of this Act, the same shall thenceforth be deemed to be the Tonnage of such Ship, and be repeated in every subsequent Registry thereof, unless any Alteration is made in the Form or Capacity of such Ship, or unless it is discovered that the Tonnage of such Ship has been erroneously computed; and in either of such Cases such Ship shall be remeasured, and her Tonnage determined and registered according to the Rules herein-before contained in that Behalf.

Tonnage when once ascertained to be ever after deemed the Tonnage.

27. The Rules for the Measurement of Tonnage herein contained shall not make it necessary to alter the present registered

Remeasurement of Ships already regis-

Measurement of Tonnage.

tered may be made, but not to be compulsory.

Tonnage of any *British* Ship registered before this Act comes into operation; but if the Owner of any such Ship desires to have the same remeasured according to such Rules, he may apply to the Commissioners of Customs for the Purpose, and such Commissioners shall thereupon, and on Payment of such reasonable Charge for the Expenses of Remeasurement, not exceeding the sum of Seven Shillings and Six-pence for each Transverse Section, as they may authorize, direct such Remeasurement to be made, and such Ship shall thereupon be remeasured according to such Rules as aforesaid, or according to such of them as may be applicable; and the Number denoting the Register Tonnage shall be altered accordingly.

Power to remeasure Engine Rooms improperly extended.

28. If it appears to the Commissioners of Customs that in any Steam Ship measured before this Act comes into operation Store Rooms or Coal Bunkers have been introduced into or thrown across the Engine Room, so that the Deduction from the Tonnage on account of the Engine Room is larger than it ought to be, the said Commissioners may, if they think fit, direct such Engine Room to be remeasured according to the Rules in force before this Act comes into operation, excluding the Space occupied by such Store Rooms or Coal Bunkers, or may, if the Owners so desire, cause the Ship to be remeasured according to the Rules herein-before contained, and subject to the Conditions contained in the last preceding Section; and after Remeasurement the said Commissioners shall cause the Ship to be registered anew, or the Registry thereof to be altered, as the Case may require.

Officers may be appointed and Regulations made for Measurement of Ships.

29. The Commissioners of Customs may, with the Sanction of the Treasury, appoint such Persons to superintend the Survey and Admeasurement of Ships as they think fit; and may, with the Approval of the Board of Trade, make such Regulations for that Purpose as may be necessary; and also, with the like Approval, make such Modifications and Alterations as from Time to Time become necessary in the Tonnage Rules hereby prescribed, in order to the more accurate and uniform Application thereof, and the

effectual carrying out of the Principle of Admeasurement therein adopted. *Measurement of Tonnage.*

Registry of British Ships.

Registry of British Ships.

30. The following Persons are required to register *British* Ships, and shall be deemed Registrars for the Purposes of this Act; (that is to say,) Registrars of British Ships.

(1.) At any Port or other Place in the United Kingdom or *Isle of Man* approved by the Commissioners of Customs for the Registry of Ships, the Collector, Comptroller or other principal Officer of Customs for the Time being:

(2.) In the Islands of *Guernsey* and *Jersey*, the principal Officers of Her Majesty's Customs, together with the Governor, Lieutenant Governor, or other Person administering the Government of such Islands respectively:

(3.) In *Malta*, *Gibraltar* and *Heligoland*, the Governor, Lieutenant Governor, or other Person administering the Government of such Places respectively:

(4.) At any Port or Place so approved as aforesaid within the Limits of the Charter but not under the Government of the *East India* Company, and at which no Custom House is established, the Collector of Duties, together with the Governor, Lieutenant Governor, or other Person administering the Government:

(5.) At the Ports of *Calcutta*, *Madras*, and *Bombay*, the Master Attendants, and at any other Port or Place so approved as aforesaid within the Limits of the Charter and under the Government of the *East India* Company, the Collector of Duties, or any other Person of Six Years' standing in the Civil Service of the said Company who is appointed by any of the Governments of the said Company to act for this Purpose.

(6.) At every other Port or Place so approved as aforesaid within Her Majesty's Dominions abroad, the Collector, Comptroller,

Registry of British Ships.

or other principal Officer of Customs or of Navigation Laws, or if there is no such Officer resident at such Port or Place, the Governor, Lieutenant Governor, or other Person administering the Government of the Possession in which such Port or Place is situate.

Substitution of Governor abroad for Commissioners of Customs, and of Consul for Justice.

31. The Governor, Lieutenant Governor, or other Person administering the Government in any *British* Possession where any Ship is registered under the Authority of this Act shall, with regard to the Performance of any Act or Thing relating to the Registry of a Ship or of any Interest therein, be considered in all respects as occupying the Place of the Commissioners of Customs; and any *British* Consular Officer shall, in any Place where there is no Justice of the Peace, be authorized to take any Declaration hereby required or permitted to be made in the Presence of a Justice of the Peace.

Registrar to keep Register Books.

32. Every Registrar shall keep a Book, to be called "The Register Book," and enter therein the Particulars herein-after required to be registered.

Port of Registry of British Ship.

33. The Port or Place at which any *British* Ship is registered for the Time being shall be considered her Port of Registry or the Port to which she belongs.

Name of Ship.

34. The following Rules shall be observed with respect to the Names of *British* registered Ships; (that is to say,)

(1.) Before Registry the Name of each Ship and of the Port to which she belongs shall be painted on a conspicuous Part of her Stern on a dark Ground in White or Yellow Letters of a Length not less than Four Inches:

(2.) No Change shall be made in the Name of any registered Ship:

(3.) No Concealment, Absence, or avoidable Obliteration of the above Names shall be permitted, except for the Purpose of escaping Capture by an Enemy:

(4.) The Ship shall not be described by or with the knowledge of the Owner or Master by any Name other than the one by which she is registered:

And for every Breach of the above Rules or any of them the Owner and Master shall each incur a Penalty not exceeding one hundred Pounds.

35. Every Application for the Registry of a Ship shall in the case of individuals be made by the Person requiring to be registered as Owner, or by some one or more of such Persons if more than one, or by his or their duly authorized Agent, and in the Case of Bodies Corporate by their duly authorized Agent; the Authority of such Agent, if appointed by individuals, to be testified by some Writing under the Hands of the Appointors, and if appointed by a Body Corporate, by some Instrument under the Common Seal of such Body Corporate. Application for Registry, by whom to be made.

36. Before Registry, the Ship shall be surveyed by a Person duly appointed under this Act; and such Surveyor shall grant a Certificate in the Form marked A. in the Schedule hereto, specifying her Tonnage, Build, and such other Particulars descriptive of the Identity of the Ship as may from Time to Time be required by the Board of Trade; and such Certificate shall be delivered to the Registrar before Registry. Survey of Ship.

37. The following Rules shall be observed with respect to Entries in the Register Book; (that is to say,) Rules as to Entries in Register Book.

(1.) The Property in a Ship shall be divided into sixty-four Shares:

(2.) Subject to the Provisions with respect to joint Owners or Owners by Transmission herein-after contained, not more than Thirty-two Individuals shall be entitled to be registered at the same Time as Owners of any one Ship; but this Rule shall not affect the beneficial Title of any Number of Persons or of any Company represented by or claiming under or through any registered Owner or joint Owner:

(3.) No Person shall be entitled to be registered as Owner of any fractional Part of a Share in a Ship; but any Number of Persons, not exceeding Five, may be registered as joint Owners of a Ship or of a Share or Shares therein:

Registry of British Ships.

(4.) Joint Owners shall be considered as constituting One Person only as regards the foregoing Rule relating to the Number of Persons entitled to be registered as Owners, and shall not be entitled to dispose in severalty of any interest in any Ship or in any Share or Shares therein in respect of which they are registered :

(5.) A Body Corporate may be registered as Owner by its Corporate Name.

Declaration of Ownership by individual Owner.

38. No Person shall be entitled to be registered as Owner of a Ship or any Share therein until he has made and subscribed a Declaration in the Form marked B. in the Schedule hereto referring to the Ship as described in the Certificate of the Surveyor, and containing the following Particulars; (that is to say,)

(1.) A Statement of his Qualification to be an Owner of a Share in a *British* Ship :

(2.) A Statement of the Time when and the place where such Ship was built, or (if the Ship is Foreign-built, and the Time and Place of building not known,) a Statement that she is Foreign-built, and that he does not know the Time or Place of her building; and, in addition thereto, in the case of a Foreign Ship, a Statement of her Foreign Name, or (in the case of a Ship condemned) a Statement of the Time, Place, and Court at and by which she was condemned :

(3.) A Statement of the Name of the Master :

(4.) A Statement of the Number of Shares in such Ship of which he is entitled to be registered as Owner :

(5.) A Denial that, to the best of his Knowledge and Belief, any unqualified Person or Body of Persons is entitled as Owner to any legal or beneficial Interest in such Ship or any Share therein :

The above Declaration of Ownership shall be made and subscribed in the Presence of the Registrar if the Declarant reside within Five Miles of the Custom House of the Port of Registry, but if beyond that Distance in the Presence of any Registrar or of any Justice of the Peace.

39. No Body Corporate shall be entitled to be registered as Owner of a Ship or of any Share therein until the Secretary or other duly appointed public Officer of such Body Corporate has made and subscribed in the Presence of the Registrar of the Port of Registry a Declaration in the Form marked C. in the Schedule hereto, referring to the Ship as described in the Certificate of the Surveyor, and containing the following Particulars; (that is to say,) *Registry of British Ships.* Declaration of Ownership by Body Corporate.

(1.) A Statement of such Circumstances of the Constitution and Business of such Body Corporate as prove it to be qualified to own a *British* Ship:

(2.) A Statement of the Time when and the Place where such Ship was built, or (if the Ship is Foreign-built, and the Time and Place of building unknown,) a Statement that she is Foreign-built, and that he does not know the Time or Place of her building; and, in addition thereto, in the Case of a Foreign Ship, a Statement of her Foreign Name, or (in the Case of a Ship condemned) a Statement of the Time, Place, and Court at and by which she was condemned:

(3.) A Statement of the Name of the Master:

(4.) A Statement of the Number of Shares in such Ship of which such Body Corporate is Owner:

(5.) A Denial that, to the best of his Knowledge and Belief, any unqualified Person or Body of Persons is entitled as Owner to any legal or beneficial Interest in such Ship or any Share therein.

40. Upon the First Registry of a Ship there shall, in addition to the Declaration of Ownership, be produced the following Evidence; (that is to say,) Evidence to be produced on Registry.

(1.) In the Case of a *British*-built Ship, a Certificate (which the Builder is hereby required to grant under his Hand) containing a true Account of the proper Denomination and of the Tonnage of such Ship as estimated by him, and of the Time when and of the Place where such Ship was built, together with the Name of the Party (if any) on whose Account he

Registry of British Ships.

has built the same, and, if any Sale or Sales have taken place, the Bill or Bills of Sale under which the Ship or Share therein has become vested in the Party requiring to be registered as Owner:

(2.) In the Case of a Foreign-built Ship, the same Evidence as in the Case of a *British*-built Ship, unless the Person requiring to be registered as Owner, or, in the Case of a Body Corporate, the duly appointed Officer, declares that the Time or Place of her building is unknown, or that the Builder's Certificate cannot be procured, in which Case there shall be required only the Bill or Bills of Sale under which the Ship or Share therein became vested in the Party requiring to be registered as Owner thereof:

(3.) In the Case of a Ship condemned by any competent Court, an Official Copy of the Condemnation of such Ship.

Penalty on Builder for false Certificate.

41. If any Builder wilfully makes a false Statement in any Certificate hereby required to be granted by him he shall for every such Offence incur a Penalty not exceeding One hundred Pounds.

Particulars of Entry in Register Book.

42. As soon as the foregoing Requisites to the due Registry of a Ship have been complied with, the Registrar shall enter in the Register Book the following Particulars relating to such Ship; (that is to say,)

(1.) The Name of the Ship and of the Port to which she belongs:

(2.) The Details as to her Tonnage, Build, and Description comprised in the Certificate herein-before directed to be given by the Surveyor:

(3.) The several Particulars as to her Origin stated in the Declaration or Declarations of Ownership:

(4.) The Names and Descriptions of her registered Owner or Owners, and if there is more than One such Owner, the Proportions in which they are interested in such Ship.

No Notice taken of Trusts.

43. No Notice of any Trust, express, implied, or constructive, shall be entered in the Register Book, or receivable by the

Registrar; and, subject to any Rights and Powers appearing by the Register Book to be vested in any other Party, the registered Owner of any Ship or Share therein shall have Power absolutely to dispose in manner herein-after mentioned of such Ship or Share, and to give effectual Receipts for any Money paid or advanced by way of Consideration.

Registry of British Ships.

Certificate of Registry.

Certificate of Registry.

44. Upon the Completion of the Registry of any Ship the Registrar shall grant a Certificate of Registry in the Form marked D. in the Schedule hereto, comprising the following Particulars; (that is to say,)

Certificate of Registry to be granted.

(1.) The Name of the Ship and of the Port to which she belongs:

(2.) The Details as to her Tonnage, Build, and Description comprised in the Certificate herein-before directed to be given by the Surveyor:

(3.) The Name of her Master:

(4.) The several Particulars as to her Origin stated in the Declaration or Declarations of Ownership:

(5.) The Names and Descriptions of her registered Owner or Owners, and if there is more than One such Owner, the Proportions in which they are respectively interested, indorsed upon such Certificate.

45. Whenever any Change takes place in the registered Ownership of any Ship, then, if such Change occurs at a Time when the Ship is at her Port of Registry, the Master shall forthwith deliver the Certificate of Registry to the Registrar, and he shall indorse thereon a Memorandum of such Change; but if such Change occurs during the Absence of the Ship from her Port of Registry, then upon her first Return to such Port the Master shall deliver the Certificate of Registry to the Registrar, and he shall indorse thereon a like Memorandum of the Change; or if she previously arrives

Change of Owners to be indorsed on Certificate of Registry.

Certificate of Registry.

at any Port where there is a *British* Registrar, such Registrar shall, upon being advised by the Registrar of her Port of Registry of the Change having taken place, indorse a like Memorandum thereof on the Certificate of Registry, and may for that Purpose require the Certificate to be delivered to him, so that the Ship be not thereby detained; and any Master who fails to deliver to the Registrar the Certificate of Registry as herein-before required shall incur a Penalty not exceeding One hundred Pounds.

Change of Master to be indorsed on Certificate of Registry.

46. Whenever the Master of any *British* registered Ship is changed, the following Persons, that is to say, if such Change is made in consequence of the Sentence of any Naval Court, the presiding Officer of such Court, but if the Change takes place from any other Cause, the Registrar, or if there is no Registrar the *British* Consular Officer resident at the Port where such change takes place, shall indorse on the Certificate of Registry a Memorandum of such Change, and subscribe his Name to such indorsement, and forthwith report the Change of Master to the Commissioners of Customs in *London;* and the Officers of Customs at any Port situate within Her Majesty's Dominions may refuse to admit any Person to do any Act at such Port as Master of any *British* Ship, unless his Name is inserted in or indorsed upon the Certificate of Registry of such Ship as the last appointed Master thereof.

Power to grant new Certificate.

47. The Registrar may, with the Sanction of the Commissioners of Customs, upon the Delivery up to him of the former Certificate of Registry, grant a new Certificate in the Place of the one so delivered up.

Provision in case of Loss of Certificate.

48. In the event of the Certificate of Registry of any Ship being mislaid, lost, or destroyed, if such Event occurs at any Port in the United Kingdom, the Ship being registered in the United Kingdom, or at any Port in any *British* Possession, the Ship being registered in the same *British* Possession, then the Registrar of her Port of Registry shall grant a new Certificate of Registry in lieu of and as a Substitute for her original Certificate of Registry; but if such Event occurs elsewhere, the Master or some other Person

having Knowledge of the Circumstances shall make a Declaration before the Registrar of any Port having a *British* Registrar at which such Ship is at the Time or first arrives after such Mislaying, Loss, or Destruction; and such Declaration shall state the Facts of the Case, and the Names and Descriptions of the registered Owners of such Ship, to the best of the Declarant's Knowledge and Belief; and the Registrar shall thereupon grant a Provisional Certificate as near to the Form appointed by this Act as Circumstances permit, and shall insert therein a Statement of the Circumstances under which such Provisional Certificate is granted.

Certificate of Registry.

Provisional Certificate to be delivered up.

49. Every such Provisional Certificate shall, within Ten Days after the first subsequent Arrival of the Ship at her Port of Discharge in the United Kingdom, if registered in the United Kingdom, or if registered elsewhere, at her Port of Discharge in the *British* Possession within which her Port of Registry is situate, be delivered up to the Registrar thereof, who shall thereupon grant a new one, as near to the Form appointed by this Act as Circumstances permit; and if the Master neglects to deliver up such Certificate within such Time he shall incur a Penalty not exceeding Fifty Pounds.

Custody of Certificate.

50. The Certificate of Registry shall be used only for the lawful Navigation of the Ship, and shall not be subject to Detention by reason of any Title, Lien, Charge, or Interest whatsoever which any Owner, Mortgagee, or other Person may have or claim to have on or in the Ship described in such Certificate; and if any Person whatever, whether interested or not in the Ship, refuses on Request to deliver up such Certificate when in his Possession or under his Control to the Person for the Time being entitled to the Custody thereof for the Purposes of such lawful Navigation as aforesaid or to any Registrar, Officer of the Customs, or other Person legally entitled to require such Delivery, it shall be lawful for any Justice, by Warrant under his Hand and Seal, or for any Court capable of taking cognizance of such Matter, to cause the Person so refusing to appear before him and to be examined touching such Refusal;

Delivery of Certificate may be required.

Certificate of Registry.

Penalty for Detention.

and unless it is proved to the Satisfaction of such Justice or Court that there was reasonable Cause for such Refusal the Offender shall incur a Penalty not exceeding One hundred Pounds; but if it is made to appear to such Justice or Court that the Certificate is lost, the Party complained of shall be discharged, and such Justice or Court shall thereupon certify that the Certificate of Registry is lost.

Mode of proceeding, if detaining Party abscond.

51. If the Person charged with such Detainer or Refusal is proved to have absconded, so that the Warrant of the Justice or Process of the Court cannot be served upon him, or if he persists in his Refusal to deliver the Certificate, such Justice or Court shall certify the Fact, and the same Proceedings may then be taken as in the Case of a Certificate of Registry mislaid, lost, or destroyed, or as near thereto as Circumstances permit.

Penalty for using improper Certificate.

52. If the Master or Owner of any Ship uses or attempts to use for the Navigation of such Ship a Certificate of Registry not legally granted in respect of such Ship, he shall be guilty of a Misdemeanor, and it shall be lawful for any Commissioned Officer on Full Pay in the Military or Naval Service of Her Majesty, or any *British* Officer of Customs, or any *British* Consular Officer, to seize and detain such Ship, and to bring her for Adjudication before the High Court of Admiralty in *England* or *Ireland* or any Court having Admiralty Jurisdiction in Her Majesty's Dominions; and if such Court is of opinion that such Use or Attempt at Use has taken place, it shall pronounce such Ship, with her Tackle, Apparel, and Furniture, to be forfeited to Her Majesty, and may award such Portion of the Proceeds arising from the Sale of such Ship as it may think just to the Officer so bringing in the same for Adjudication.

Certificate of Ship lost or ceasing to be British to be delivered up.

53. If any registered Ship is either actually or constructively lost, taken by the Enemy, burnt, or broken up, or if by reason of a Transfer to any Persons not qualified to be Owners of *British* Ships, or of any other Matter or Thing, any such Ship as aforesaid ceases to be a *British* Ship, every Person who at the Time of the Occurrence of any of the aforesaid Events owns such Ship

Certificates of Registry.

or any Share therein shall, immediately upon obtaining Knowledge of any such Occurrence, if no Notice thereof has already been given to the Registrar at the Port of Registry of such Ship, give such Notice to him, and he shall make an Entry thereof in his Register Book; and, except in Cases where the Certificate of Registry is lost or destroyed, the Master of every Ship so circumstanced as aforesaid shall immediately, if such Event occurs in Port, but if the same occurs elsewhere, then within Ten Days after his Arrival in Port, deliver the Certificate of Registry of such Ship to the Registrar, or, if there be no Registrar, to the *British* Consular Officer at such Port, and such Registrar if he is not himself the Registrar of her Port of Registry, or such *British* Consular Officer, shall forthwith forward the Certificate so delivered to him to the Registrar of the Port of Registry of the Ship; and every Owner and Master who, without reasonable Cause, makes default in obeying the Provisions of this Section shall for each Offence incur a Penalty not exceeding One hundred Pounds.

Provisional Certificate for Ship becoming vested in British Owners at Foreign Port.

54. If any Ship becomes the Property of Persons qualified to be Owners of *British* Ships at any Foreign Port, the *British* Consular Officer resident at such Port may grant the Master of such Ship, upon his Application, a Provisional Certificate, stating—

The Name of the Ship;

The Time and Place of her Purchase, and the Names of her Purchasers;

The Name of her Master;

The best Particulars as to her Tonnage, Build, and Description that he is able to obtain;

And he shall forward a Copy of such Certificate, at the first convenient Opportunity, to the Commissioners of Customs in *London*: the Certificate so granted shall possess the same Force as a Certificate of Registry until the Expiration of Six Months, or until such earlier Time as the Ship arrives at some Port where there is a *British* Registrar; but upon the Expiration of such Period, or upon Arrival at such Port, shall be void to all Intents.

Transfers and Transmissions.

Transfer of Ships or Shares therein.

55. A registered Ship or any Share therein, when disposed of to Persons qualified to be Owners of *British* Ships, shall be transferred by Bill of Sale; and such Bill of Sale shall contain such Description of the Ship as is contained in the Certificate of the Surveyor, or such other Description as may be sufficient to identify the Ship to the Satisfaction of the Registrar, and shall be according to the Form marked E. in the Schedule hereto, or as near thereto as Circumstances permit, and shall be executed by the Transferrer in the Presence of and be attested by One or more Witnesses.

Declaration to be made by transferree.

56. No Individual shall be entitled to be registered as Transferree of a Ship or any Share therein until he has made a Declaration in the Form marked F. in the Schedule hereto, stating his Qualification to be registered as Owner of a Share in a *British* Ship, and containing a Denial similar to the Denial herein-before required to be contained in a Declaration of Ownership by an original Owner; and no Body Corporate shall be entitled to be registered as Transferree of a Ship or any Share therein until the Secretary or other duly appointed public Officer of such Body Corporate has made a Declaration in the Form marked G. in the Schedule hereto, stating the Name of such Body Corporate, and such Circumstances of its Constitution and Business as may prove it to be qualified to own a *British* Ship, and containing a Denial similar to the Denial herein-before required to be contained in a Declaration of Ownership made on behalf of a Body Corporate: In the Case of an Individual, the above declaration shall be made, if he reside within Five Miles of the Custom House of the Port of Registry, in the Presence of the Registrar, but if beyond that Distance in the Presence of any Registrar or of any Justice of the Peace; in the Case of a Body Corporate the Declaration shall be made in the Presence of the Registrar of the Port of Registry.

Registration of Transfer.

57. Every Bill of Sale or the transfer of any registered Ship, or of any Share therein, when duly executed, shall be produced to

the Registrar of the Port at which the Ship is registered, together with the Declaration herein-before required to be made by a Transferree; and the Registrar shall thereupon enter in the Register Book the Name of the Transferree as Owner of the Ship or Share comprised in such Bill of Sale, and shall indorse on the Bill of Sale the Fact of such Entry having been made, with the Date and Hour thereof; and all Bills of Sale of any Ship or Shares in a Ship shall be entered in the Register Book in the Order of their Production to the Registrar.

Transfers and Transmissions.

Transmission of Shares by Death, Bankruptcy, or Marriage.

58. If the Property in any Ship or in any Share therein becomes transmitted in consequence of the Death or Bankruptcy or Insolvency of any registered Owner, or in consequence of the Marriage of any Female registered Owner, or by any lawful Means other than by a Transfer according to the Provisions of this Act, such Transmission shall be authenticated by a Declaration of the Person to whom such Property has been transmitted, made in the Form marked H. in the Schedule hereto, and containing the several Statements herein-before required to be contained in the Declaration of a Transferree, or as near thereto as Circumstances permit, and, in addition, a Statement describing the Manner in which and the Party to whom such Property has been transmitted; and such Declaration shall be made and subscribed if the Declarant resides at or within Five Miles of the Custom House of the Port of Registry in the Presence of the Registrar, but if beyond that Distance in the Presence of any Registrar or of any Justice of the Peace.

Proof of Transmission by Bankruptcy, Marriage, Will, or on Intestacy.

59. If such Transmission has taken place by virtue of the Bankruptcy or Insolvency of any registered Owner, the said Declaration shall be accompanied by such Evidence as may for the Time being be receivable in Courts of Justice as Proof of the Title of Parties claiming under any Bankruptcy or Insolvency; and if such Transmission has taken place by virtue of the Marriage of a Female Owner, the said Declaration shall be accompanied by a Copy of the Register of such Marriage or other legal Evidence of the Celebration thereof, and shall declare the Identity of the said

Transfers and Transmissions.

Female Owner; and if such Transmission has taken place by virtue of any Testamentary Instrument or by Intestacy, then in *England, Wales* and *Ireland,* the said Declaration shall be accompanied by the Probate of the Will or the Letters of Administration or an official Extract therefrom, and in *Scotland* or in any *British* Possession by the Will or any Copy thereof that may be Evidence by the Laws of *Scotland* or of such Possession, or by Letters of Administration or any Copy thereof, or by such other Document as may by the Laws of *Scotland* or of such Possession be receivable in the Courts of Judicature thereof as Proof of the Person entitled upon an Intestacy.

Registration of transmitted Share.

60. The Registrar, upon the Receipt of such Declaration so accompanied as aforesaid, shall enter the Name of the Person or Persons entitled under such Transmission in the Register Book as Owner or Owners of the Ship or Share therein in respect of which such Transmission has taken place; and such Persons, if more than One, shall, however numerous, be considered as One Person only as regards the Rule herein-before contained relating to the Number of Persons entitled to be registered as Owners.

Registrar to retain certain Evidence.

61. Of the Documents hereby required to be produced to the Registrar he shall retain in his Possession the following; that is to say, the Surveyor's Certificate, the Builder's Certificate, the Copy of the Condemnation, and all Declarations of Ownership.

Unqualified Owner entitled by Transmission may apply to Court for Sale of Ship.

62. Whenever any Property in a Ship or Share in a Ship becomes vested by Transmission on the Death of any Owner or on the Marriage of any Female Owner in any Person not qualified to be the Owner of *British* Ships, it shall be lawful, if such Ship is registered in *England* or *Ireland* for the Court of Chancery, if in *Scotland* for the Court of Session, or if in any *British* Possession for any Court possessing the principal Civil Jurisdiction within such Possession upon an Application made by or on behalf of such unqualified Person, to order a Sale to be made of the Property so transmitted, and to direct the Proceeds of such Sale, after deducting the Expenses thereof, to be paid to the Person entitled under

such Transmission, or otherwise as the Court may direct; and it shall be in the Discretion of any such Court as aforesaid to make or refuse any such Order for Sale, and to annex thereto any Terms or Conditions, and to require any Evidence in support of such Application it may think fit, and generally to act in the Premises in such Manner as the Justice of the Case requires.

Transfers and Transmissions.

63. Every Order for a Sale made by such Court as aforesaid shall contain a Declaration vesting the Right to transfer the Ship or Share so to be sold in some Person or Persons named by the Court, and such Nominee or Nominees shall thereupon be entitled to transfer such Ship or Share in the same Manner, and to the same Extent, as if he or they were the registered Owner or Owners of the same; and every Registrar shall obey the Requisition of such Nominee or Nominees as aforesaid in respect of any Transfer to the same Extent as he would be compellable to obey the Requisition of any registered Owner or Owners of such Ship or Share.

Order to be made by Court.

64. Every such Application as aforesaid for Sale shall be made within Four Weeks after the Occurrence of the Event on which such Transmission has taken place, or within such further Time as such Court as aforesaid may allow, such Time not in any Case to exceed the Space of One Year from the Date of such Occurrence as aforesaid; and in the event of no such Application being made within such Period as aforesaid, or of such Court refusing to accede thereto, the Ship or Share so transmitted shall thereupon be forfeited in manner herein-after directed with respect to Interests acquired by unqualified Owners in Ships using a *British* Flag and assuming the *British* Character.

Limit of Time for Application.

65. It shall be lawful in *England* or *Ireland* for the Court of Chancery, in *Scotland* for the Court of Session, in any *British* Possession for any Court possessing the principal civil Jurisdiction within such Possession, without Prejudice to the Exercise of any other Power such Court may possess, upon the summary Application of any interested Person made either by Petition or otherwise, and either *ex-parte* or upon Service of Notice on any other Person, as

Power of Courts to prohibit Transfers.

Transfers and Transmissions.

the Court may direct, to issue an Order prohibiting for a Time to be named in such Order any Dealing with such Ship or Share; and it shall be in the Discretion of such Court to make or refuse any such Order, and to annex thereto any Terms or Conditions it may think fit, and to discharge such Order when granted with or without Costs, and generally to act in the Premises in such Manner as the Justice of the Case requires; and every Registrar, without being made a Party to the Proceedings, upon being served with such Order, or an official Copy thereof, shall obey the same.

Mortgages.

Mortgages.

Mortgage of Ships and Shares therein.

66. A registered Ship or any Share therein may be made a Security for a Loan or other valuable Consideration; and the Instrument creating such Security, herein-after termed a "Mortgage," shall be in the Form marked I. in the Schedule hereto, or as near thereto as Circumstances permit; and on the Production of such Instrument the Registrar of the Port at which the Ship is registered shall record the same in the Register Book.

Mortgages to be registered in Order of Time of Production.

67. Every such Mortgage shall be recorded by the Registrar in the Order of Time in which the same is produced to him for that Purpose; and the Registrar shall, by Memorandum under his Hand, notify on the Instrument of Mortgage that the same has been recorded by him, stating the Date and Hour of such Record.

Entry of Discharge of Mortgage.

68. Whenever any registered Mortgage has been discharged, the Registrar shall, on the Production of the Mortgage Deed, with a Receipt for the Mortgage Money indorsed thereon, duly signed and attested, make an Entry in the Register Book to the Effect that such Mortgage has been discharged; and upon such Entry being made the Estate, if any, which passed to the Mortgagee shall vest in the same Person or Persons in whom the same would, having regard to intervening Acts and Circumstances, if any, have vested if no such Mortgage had ever been made.

Mortgages.

Priority of Mortgages.

69. If there is more than One Mortgage registered of the same Ship or Share therein, the Mortgagees shall, notwithstanding any express, implied, or constructive Notice, be entitled in Priority one over the other according to the Date at which each Instrument is recorded in the Register Books, and not according to the Date of each Instrument itself.

Mortgagee not to be deemed Owner.

70. A Mortgagee shall not by reason of his Mortgage be deemed to be the Owner of a Ship or any Share therein, nor shall the Mortgagor be deemed to have ceased to be Owner of such mortgaged Ship or Share, except in so far as may be necessary for making such Ship or Share available as a Security for the Mortgage Debt.

Mortgagee to have Power of Sale.

71. Every registered Mortgagee shall have Power absolutely to dispose of the Ship or Share in respect of which he is registered, and to give effectual Receipts for the Purchase Money ; but if there are more Persons than One registered as Mortgagees of the same Ship or Share, no subsequent Mortgagee shall, except under the Order of some Court capable of taking cognizance of such Matters, sell such Ship or Share without the Concurrence of every prior Mortgagee.

Rights of Mortgagee not affected by any Act of Bankruptcy of Mortgagor.

72. No registered Mortgage of any Ship or of any Share therein shall be affected by any Act of Bankruptcy committed by the Mortgagor after the Date of the Record of such Mortgage, notwithstanding such Mortgagor at the Time of his becoming bankrupt may have in his Possession and Disposition and be reputed Owner of such Ship or Share thereof ; and such Mortgage shall be preferred to any Right, Claim, or Interest in such Ship or any Share thereof which may belong to the Assignees of such Bankrupt.

Transfer of Mortgages.

73. A registered Mortgage of any Ship or Share in a Ship may be transferred to any Person, and the Instrument creating such Transfer shall be in the Form marked K. in the Schedule hereto, and on the Production of such Instrument the Registrar shall enter in the Register Book the Name of the Transferree as Mortgagee of the Ship or Shares therein mentioned, and shall by Memorandum under his Hand record on the Instrument of Transfer that the same

Mortgages.

has been recorded by him, stating the Date and Hour of such Record.

Transmission of Interest of Mortgagee by Death, Bankruptcy, or Marriage.

74. If the Interest of any Mortgagee in any Ship or in any Share therein becomes transmitted in consequence of Death, Bankruptcy, or Insolvency, or in consequence of the Marriage of any Female Mortgagee, or by any lawful Means other than by a Transfer according to the Provisions of this Act, such Transmission shall be authenticated by a Declaration of the Person to whom such Interest has been transmitted, made in the Form marked L. in the Schedule hereto, and containing a Statement describing the Manner in which and the Party to whom such Property has been transmitted; and such Declaration shall be made and subscribed, if the Declarant resides at or within Five Miles of the Custom House of the Port of Registry, in the Presence of the Registrar, but if beyond that Distance in the Presence of any Registrar or of any Justice of the Peace, and shall be accompanied by such Evidence as is herein-before required to authenticate a corresponding Transmission of Property from one registered Owner to another.

Entry of transmitted

75. The Registrar, upon the Receipt of such Declaration and the Production of such Evidence as aforesaid, shall enter the Name of the Person or Persons entitled under such Transmission in the Register Book as Mortgagee or Mortgagees of the Ship or Share in respect of which such Transmission has taken place.

Certificates of Mortgage and Sale.

Certificates of Mortgage and Sale.

Powers of Mortgage and Sale may be conferred by Certificate.

76. Any registered Owner, if desirous of disposing by way of Mortgage or Sale of the Ship or Share in respect of which he is registered at any Place out of the Country or Possession in which the Port of Registry of such Ship is situate, may apply to the Registrar, who shall thereupon enable him to do so by granting such Certificates as are herein-after mentioned, to be called respectively Certificates of Mortgage or Certificates of Sale, according as they purport to give a Power to mortgage or a Power to sell.

77. Previously to any Certificate of Mortgage or Sale being granted, the Applicant shall state to the Registrar, to be by him entered in the Register Book, the following Particulars; (that is to say,)

Certificates of Mortgage and Sale.

Requisites for Certificates of Mortgage and Sale.

(1.) The Names of the Persons by whom the Power mentioned in such Certificate is to be exercised, and in the Case of a Mortgage the maximum Amount of Charge to be created, if it is intended to fix any such Maximum, and in the Case of a Sale the Minimum Price at which a Sale is to be made, if it is intended to fix any such Minimum:

(2.) The specific Place or Places where such Power is to be exercised, or if no Place be specified, then that it may be exercised anywhere, subject to the Provisions herein-after contained:

(3.) The Limit of Time within which such Power may be exercised.

78. No Certificate of Mortgage or Sale shall be granted so as to authorize any Mortgage or Sale to be made—

Restrictions on Certificates of Mortgage and Sale.

At any Place within the United Kingdom, if the Port of Registry of the Ship be situate in the United Kingdom; or at any Place within the same *British* Possession if the Port of Registry is situate within a *British* Possession; or

By any Person not named in the Certificate.

79. Certificates of Mortgage and Sale shall be in the Forms marked respectively M. and N. in the Schedule hereto, and shall contain a Statement of the several Particulars herein-before directed to be entered in the Register Book, and in addition thereto an Enumeration of any registered Mortgages or Certificates of Mortgage or Sale affecting the Ships or Shares in respect of which such Certificates are given.

Forms of Certificates of Mortgage and Sale.

80. The following Rules shall be observed as to Certificates of Mortgage; (that is to say,)

Rules as to Certificates of Mortgage.

(1.) The Power shall be exercised in conformity with the directions contained in the Certificate:

Certificates of Mortgage and Sale.

(2.) A Record of every Mortgage made thereunder shall be indorsed thereon by a Registrar or *British* Consular Officer:

(3.) No Mortgage *boná-fide* made thereunder shall be impeached by reason of the Person by whom the Power was given dying, before the making of such Mortgage:

(4.) Whenever the Certificate contains a Specification of the Place or Places at which, and a Limit of Time not exceeding Twelve Months within which, the Power is to be exercised, no Mortgage *boná-fide* made to a Mortgagee without Notice shall be impeached by reason of the Bankruptcy or Insolvency of the Person by whom the Power was given:

(5.) Every Mortgage which is so registered as aforesaid on the Certificate shall have Priority over all Mortgages of the same Ship or Share created subsequently to the Date of the Entry of the Certificate in the Register Book; and if there be more Mortgages than One so indorsed the respective Mortgagees claiming thereunder shall, notwithstanding any express, implied, or constructive Notice, be entitled one before the other according to the Date at which a Record of each Intrument is indorsed on the Certificate, and not according to the Date of the Instrument creating the Mortgage:

(6.) Subject to the foregoing Rules every Mortgagee whose Mortgage is registered on the Certificate shall have the same Rights and Powers and be subject to the same Liabilities as he would have had and been subject to if his Mortgage had been registered in the Register Book instead of on the Certificate:

(7.) The Discharge of any Mortgage so registered on the Certificate may be indorsed thereon by any Registrar or *British* Consular Officer, upon the Production of such Evidence as is hereby required to be produced to the Registrar on the Entry of the Discharge of a Mortgage in the Register Book; and upon such Indorsement being made, the Estate, if any, which passed to the Mortgagee shall vest in the same Person or Persons in whom the same would, having regard to intervening

Acts and Circumstances, if any, have vested if no such Mortgage had been made: *Certificates of Mortgage and Sale.*

(8.) Upon the Delivery of any Certificate of Mortgage to the Registrar by whom it was granted he shall, after recording in the Register Book in such Manner as to preserve its Priority any unsatisfied Mortgage registered thereon, cancel such Certificate, and enter the Fact of such Cancellation in the Register Book; and every Certificate so cancelled shall be void to all Intents.

81. The following Rules shall be observed as to Certificates of Sale; (that is to say,) Rules as to Certificates of Sale.

(1.) No such Certificate shall be granted except for the Sale of an entire Ship:

(2.) The Power shall be exercised in conformity with the Directions contained in the Certificate:

(3.) No Sale *bonâ fide* made to a Purchaser for valuable Consideration shall be impeached by reason of the Person by whom the Power was given dying before the making of such Sale:

(4.) When the Certificate contains a Specification of the Place or Places at which, and a Limit of Time not exceeding Twelve Months within which, the Power is to be exercised, no Sale *bonâ fide* made to a Purchaser for valuable consideration without Notice shall be impeached by reason of the Bankruptcy or Insolvency of the Person by whom the Power was given:

(5.) Any Transfer made to a Person qualified to be the Owner of *British* Ships shall be by Bill of Sale in the Form hereinbefore mentioned, or as near thereto as Circumstances permit:

(6.) If the Ship is sold to a Party qualified to hold *British* Ships, the Ship shall be registered anew; but Notice of all Mortgages enumerated on the Certificate of Sale shall be entered in the Register Book:

(7.) Previously to such Registry anew there shall be produced to the Registrar required to make the same the Bill of Sale by

Certificates of Mortgage and Sale.

which the Ship is transferred, the Certificate of Sale, and the Certificate of Registry of such Ship:

(8.) Such last-mentioned Registrar shall retain the Certificates of Sale and Registry, and after having indorsed on both of such Instruments an Entry of the Fact of a Sale having taken place, shall forward the said Certificates to the Registrar of the Port appearing on such Certificates to be the former Port of Registry of the Ship, and such last-mentioned Registrar shall thereupon make a Memorandum of the Sale in his Register Book, and the Registry of the Ship in such Book shall be considered as closed, except as far as relates to any unsatisfied Mortgages or existing Certificates of Mortgage entered therein:

(9.) On such Registry anew the Description of the Ship contained in her original Certificate of Registry may be transferred to the new Register Book, without her being re-surveyed, and the declaration to be made by the Purchaser shall be the same as would be required to be made by an ordinary Transferree:

(10.) If the Ship is sold to a Party not qualified to be the Owner of a *British* Ship, the Bill of Sale by which the Ship is transferred, the Certificate of Sale, and the Certificate of Registry shall be produced to some Registrar or Consular Officer, who shall retain the Certificates of Sale and Registry and, having indorsed thereon the Fact of such Ship having been sold to Persons, not qualified to be Owners of *British* Ships, shall forward such Certificates to the Registrar of the Port appearing on the Certificate of Registry to be the Port of Registry of such Ship; and such last-mentioned Registrar shall thereupon make a Memorandum of the Sale in his Register Book, and the Registry of the Ship in such Book shall be considered as closed, except so far as relates to any unsatisfied Mortgages or existing Certificates of Mortgage entered therein:

(11.) If upon a Sale being made to an unqualified Person Default is made in the Production of such Certificates as are mentioned

in the last Rule, such unqualified Person shall be considered by *British* Law as having acquired no Title to or Interest in the Ship; and further, the Party upon whose Application such Certificate was granted, and the Persons exercising the Power, shall each incur a Penalty not exceeding One hundred Pounds: *Certificates of Mortgage and Sale.*

(12.) If no Sale is made in conformity with the Certificate of Sale, such Certificate shall be delivered to the Registrar by whom the same was granted; and such Registrar shall thereupon cancel it, and enter the Fact of such Cancellation in the Register Book; and every Certificate so cancelled shall be void to all Intents.

82. Upon Proof at any Time to the Satisfaction of the Commissioners of Customs that any Certificate of Mortgage or Sale is lost or so obliterated as to be useless, and that the Powers thereby given have never been exercised, or if they have been exercised then upon Proof of the several Matters and Things that have been done thereunder, it shall be lawful for the Registrar, with the Sanction of the said Commissioners, as Circumstances may require, either to issue a new Certificate, or to direct such Entries to be made in the Register Book, or such other Matter or Thing to be done as might have been made or done if no such Loss or Obliteration had taken place. Power of Commissioners of Customs in case of Loss of Certificate of Mortgage or Sale.

83. The registered Owner for the Time being of any Ship or Share therein in respect of which a Certificate of Mortgage or Sale has been granted, specifying the Place or Places where the Power thereby given is to be exercised, may, by an Instrument under his Hand made in the Form O. in the Schedule hereto, or as near thereto, as Circumstances permit, authorize the Registrar by whom such Certificate was granted to give Notice to the Registrar or Consular Officer, Registrars or Consular Officers at such Place or Places, that such Certificate is revoked; and Notice shall be given accordingly; and all Registrars or Consular Officers receiving such Notice shall record the same, and shall exhibit the same to all Persons who may apply to them for the Purpose of effecting or obtaining a Mortgage Revocation of Certificates of Mortgage and Sale.

Certificates of Mortgage and Sale.

or Transfer under the said Certificate of Mortgage or Sale; and after such Notice has been so recorded the said Certificate shall, so far as concerns any Mortgage or Sale to be thereafter made at such Place, be deemed to be revoked and of no Effect; and every Registrar or Consular Officer recording any such Notice shall thereupon state to the Registrar by whom the Certificate was granted, whether any previous Exercise of the Power to which such Certificate refers has taken place.

Registry anew and Transfer of Registry.

Registry anew, and Transfer of Registry.

Alteration in Ship to be registered.

84. Whenever any registered Ship is so altered as not to correspond with the Particulars relating to her Tonnage or Description contained in the Register Book, then, if such Alteration is made at a Port where there is a Registrar, the Registrar of such Port, but if made elsewhere, the Registrar of the First Port having a Registrar at which the Ship arrives after her Alteration, shall, on Application made to him, and on the Receipt of a Certificate from the proper Surveyor specifying the Nature of such Alteration, either retain the old Certificate of Registry and grant a new Certificate of Registry containing a Description of the Ship as altered, or indorse on the existing Certificate a Memorandum of such Alteration, and subscribe his Name to such Indorsement; and the Registrar to whom such Application as aforesaid is made, if he is the Registrar of the Port of Registry of the Ship, shall himself enter in his Register Book the Particulars of the Alteration so made, and the Fact of such new Certificate having been granted or Indorsement having been made on the existing Certificate; but if he is not such last-mentioned Registrar, he shall forthwith report such Particulars and Facts as aforesaid, accompanied by the old Certificate of Registry in Cases where a new one has been granted, to the Registrar of the Port of Registry of the Ship, who shall retain such old Certificate (if any), and enter such Particulars and Facts in his Register Book accordingly.

85. When the Registrar to whom Application is made in respect of any such Alteration as aforesaid is the Registrar of the Port of Registry, he may, if he thinks fit, instead of registering such Alteration, require such Ship to be registered anew in manner herein-before directed on the first Registry of a Ship, and if he is not such Registrar as lastly herein-before mentioned he may nevertheless require such Ship to be registered anew, but he shall in such last-mentioned Case grant a Provisional Certificate or make a Provisional Indorsement of the Alteration made in manner herein-before directed in Cases where no Registry anew is required, taking care to add to such Certificate or Indorsement a Statement that the same is made provisionally, and to insert in his Report to the Registrar of the Port of Registry of the Ship a like Statement.

Registry anew and Transfer of Registry.

On Alteration Registry anew may be required.

86. Every such Provisional Certificate, or Certificate provisionally indorsed, shall, within Ten Days after the first subsequent Arrival of the Ship at her Port of Discharge in the United Kingdom, if registered in the United Kingdom, or, if registered elsewhere, at her Port of Discharge in the *British* Possession within which her Port of Registry is situate, be delivered up to the Registrar thereof, who shall thereupon cause such Ship to be registered anew in the same Manner in all respects as herein-before required on the first Registry of any Ship.

Grant of Provisional Certificate in respect of Alteration.

87. On Failure of such Registry anew of any Ship or Registry of Alteration of any Ship so altered as aforesaid, such Ship shall be deemed not duly registered, and shall no longer be recognized as a *British* Ship.

Consequence of Omission to register anew.

88. If upon any Change of Ownership in any Ship the Owner or Owners desire to have such Ship registered anew, although such Registry anew is not required by this Act, it shall be lawful for the Registrar of the Port at which such Ship is already registered, on the Delivery up to him of the existing Certificate of Registry, and on the other Requisites to Registry, or such of them as the Registrar thinks material, being duly complied with to make such Registry anew, and grant a Certificate thereof.

On Change of Owners, Registry anew may be granted, if required.

Registry anew and Transfer of Registry.

Registry may be transferred from Port to Port.

89. The Registry of any Ship may be transferred from one Port to another upon the Application of all Parties appearing on the Register to be interested in such Ship, whether as Owners or Mortgagees, such Application to be expressed by a Declaration in Writing made and subscribed, if the Party so required to make and subscribe the same resides at or within Five Miles of the Custom House of the Port from which such Ship is to be transferred, in the Presence of the Registrar of such Port, but if beyond that Distance in the Presence of any Registrar or of any Justice of the Peace.

Manner of Transfer of Registry.

90. Upon such Application being made as is herein-before mentioned, and upon the Delivery to him of the Certificate of Registry, the Registrar of the Port at which such Ship is already registered shall transmit to the Registrar of the Port at which such Ship is intended to be registered Notice of such Application having been made to him, together with a true Copy of all Particulars relating to such Ship, and the Names of all the Parties appearing by his Book to be interested as Owners or Mortgagees in such Ship; and such last-mentioned Registrar shall, upon the Receipt of such Notice, enter all such Particulars and Names in his Book of Registry, and grant a fresh Certificate of Registry, and thenceforth such Ship shall be considered as registered at and belonging to such last-mentioned Port, and the Name of such last-mentioned Port shall be substituted on the Stern of such Ship in lieu of the Name of the Port previously appearing thereon.

Transfer of Registry not to affect Rights of Owners.

91. The Transfer of the Registry of any Ship in manner aforesaid shall not in any way affect the Rights of the several Persons interested either as Owners or Mortgagees in such Ship, but such Rights shall in all respects be maintained and continue in the same Manner as if no such Transfer had been effected.

Registry, Miscellaneous.

Registry, Miscellaneous.

Inspection of Register Books.

92. Every Person may, upon Payment of a Fee to be fixed by the Commissioners of Customs not exceeding One Shilling, have

Access to the Register Book for the Purpose of Inspection at any reasonable Time during the Hours of official Attendance of the Registrar.

Registry, Miscellaneous.

93. No Registrar shall be liable to Damages or otherwise for any Loss accruing to any Person by reason of any Act done or Default made by him in his Character of Registrar, unless the same has happened through his Neglect or wilful Act.

Indemnity to Registrar.

94. Every Registrar in the United Kingdom shall at the Expiration of every Month, and every other Registrar shall without Delay, or at such stated Times as may be fixed by the Commissioners of Customs, transmit to the Custom House in *London* a full Return in such Form as they may direct of all Registries, Transfers, Transmissions, Mortgages, and other Dealings with Ships which have been registered by or communicated to them in their Character of Registrars, and the Names of the Persons who have been concerned in the same, and such other Particulars as may be directed by the said Commissioners.

Return to be made by Registrars to Commissioners of Customs.

95. All Fees authorized to be taken under the Second Part of this Act shall, if taken in any Part of the United Kingdom, be applied in Payment of the general Expenses of carrying into effect the Purposes of such Second Part, or otherwise as the Treasury may direct, but if taken elsewhere shall be disposed of in such Way as the Executive Government of the *British* Possession in which they are taken may direct.

Application of Fees.

96. The Commissioners of Customs shall cause the several Forms required or authorized to be used by the Second Part of this Act, and contained in the Schedule hereto, to be supplied to all Registrars within Her Majesty's Dominions for Distribution to the several Persons requiring to use the same, either free of Charge, or at such moderate Prices as they may from Time to Time direct, and the said Commissioners, with the Consent of the Board of Trade, may from Time to Time make such Alterations in the Forms contained in the Schedule hereto as it may deem requisite, but shall, before issuing any altered Form,

Commissioners of Customs to provide, and with Consent of Board of Trade may alter Forms and issue Instructions.

Registry, Miscellaneous.

give such public Notice thereof as may be necessary in order to prevent Inconvenience; and the said Commissioners may also, with such Consent as aforesaid, for the Purposes of carrying into effect the Provisions contained in the Second Part of this Act, give such Instructions as to the Manner of making Entries in the Register Book, as to the Execution and Attestation of Powers of Attorney, as to any Evidence to be required for identifying any Person, and generally as to any Act or Thing to be done in pursuance of the Second Part of this Act, as they may think fit.

Power to Registrar to dispense with Declarations and other Evidence.

97. Whenever in any Case in which under the Second Part of this Act any Person is required to make a Declaration on behalf of himself or of any Body Corporate, or any Evidence is required to be produced to the Registrar, it is shown to the Satisfaction of the Registrar that from any reasonable Cause such Person is unable to make the Declaration, or that such Evidence cannot be produced, it shall be lawful for the Registrar, with the Sanction of the Commissioners of Customs, and upon the Production of such other Evidence, and subject to such Terms as they may think fit, to dispense with any such Declaration or Evidence.

Power for Commissioners or Governor in special Cases to grant a Pass to a Ship not registered.

98. In Cases where it appears to the Commissioners of Customs, or to the Governor or other Person administering the Government of any *British* Possession, that by reason of special Circumstances it would be desirable that Permission should be granted to any *British* Ship to pass, without being previously registered, from one Port or Place in Her Majesty's Dominions to any other Port or Place within the same, it shall be lawful for such Commissioners or Governor or other Person to grant a Pass accordingly, and such Pass shall for the Time and within the Limits therein mentioned have the same Effect as a Certificate of Registry.

Provision for Cases of Infancy or other Incapacity.

99. If any Person interested in any Ship or any Share therein is, by reason of Infancy, Lunacy, or other Inability, incapable of making any Declaration or doing any Thing required or permitted by this Act to be made or done by such incapable Person

in respect of Registry, then the Guardian or Committee, if any, of such incapable Person, or, if there be none, any Person appointed by any Court or Judge possessing Jurisdiction in respect of the Property of incapable Persons, upon the Petition of any Person on behalf of such incapable Person, or of any other Person interested in the making such Declaration or doing such Thing, may make such Declaration, or a Declaration as nearly corresponding thereto as Circumstances permit, and do such Thing in the Name and on behalf of such incapable Person; and all Acts done by such Substitute shall be as effectual as if done by the Person for whom he is substituted.

Liabilities of Owners.

100. Whenever any Person is beneficially interested, otherwise than by way of Mortgage, in any Ship or Share therein registered in the Name of some other Person as Owner, the Person so interested shall, as well as the registered Owner, be subject to all pecuniary Penalties imposed by this or by any other Act on Owners of Ships or Shares therein, so nevertheless that Proceedings may be taken for the Enforcement of any such pecuniary Penalties against both or either of the aforesaid Parties, with or without joining the other of them.

Forgery.

Forgery.

Punishment for Forgery.

101. Any Person who forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Register Book, Certificate of Surveyor, Certificate of Registry, Declaration of Ownership, Bill of Sale, Instrument of Mortgage, Certificate of Mortgage or Sale, or any Entry or Indorsement required by the Second Part of this Act to be made in or on any of the above Documents, shall for every such Offence be deemed to be guilty of Felony.

National Character.

National Character.

National Character of Ship to be declared before Clearance.

102. No Officer of Customs shall grant a Clearance or Transire for any Ship until the Master of such Ship has declared to such Officer the Name of the Nation to which he claims that she

National Character.

belongs, and such Officer shall thereupon inscribe such Name on the Clearance or Transire; and if any Ship attempts to proceed to Sea without such Clearance or Transire, any such Officer may detain her until such Declaration is made.

Penalties:

103. The Offences herein-after mentioned shall be punishable as follows; (that is to say,)

For unduly assuming a British Character.

(1.) If any Person uses the *British* Flag and assumes the *British* National Character on board any Ship owned in whole or in part by any Persons not entitled by Law to own *British* Ships, for the Purpose of making such Ship appear to be a *British* Ship, such Ship shall be forfeited to Her Majesty, unless such Assumption has been made for the Purpose of escaping Capture by an Enemy or by a Foreign Ship of War in exercise of some belligerent Right; and in any Proceeding for enforcing any such Forfeiture the Burden of proving a Title to use the *British* Flag and assume the *British* National Character shall lie upon the Person using and assuming the same:

For Concealment of British or Assumption of Foreign Character.

(2.) If the Master or Owner of any *British* Ship does or permits to be done any Matter or Thing, or carries or permits to be carried any Papers or Documents, with intent to conceal the *British* Character of such Ship from any Person entitled by *British* Law to inquire into the same, or to assume a Foreign Character, or with Intent to deceive any such Person as lastly herein-before mentioned, such Ship shall be forfeited to Her Majesty; and the Master, if he commits or is privy to the Commission of the Offence, shall be guilty of a Misdemeanor:

For acquiring Ownership if unqualified.

(3.) If any unqualified Person, except in the Case of such transmitted Interests as are herein-before mentioned, acquires as Owner any Interest, either legal or beneficial, in a Ship using a *British* Flag and assuming the *British* Character, such Interest shall be forfeited to her Majesty:

For false Declaration of Ownership.

(4.) If any Person, on behalf of himself or any other Person or Body of Persons, wilfully makes a false Declaration touching the Qualification of himself or such other Person or Body of

National Character.

Persons to own *British* Ships or any Shares therein, the Declarant shall be guilty of a Misdemeanor; and the Ship or Share in respect of which such Declaration is made, if the same has not been forfeited under the foregoing Provision, shall to the Extent of the Interest therein of the Person making the Declaration, and, unless it is shown that he had no Authority to make the same, of the Parties on behalf of whom such Declaration is made, be forfeited to Her Majesty:

And in order that the above Provisions as to forfeitures may be carried into effect it shall be lawful for any Commissioned Officer on Full Pay in the Military or Naval Service of Her Majesty, or any *British* Officer of Customs, or any *British* Consular Officer, to seize and detain any Ship which has, either wholly or as to any Share therein, become subject to Forfeiture as aforesaid, and to bring her for Adjudication before the High Court of Admiralty in *England* or *Ireland*, or any Court having Admiralty Jurisdiction in Her Majesty's Dominions; and such Court may thereupon make such Order in the Case as it may think fit, and may award to the Officer bringing in the same for Adjudication such Portion of the Proceeds of the Sale of any forfeited Ship or Share as it may think right.

Officer not liable for any Seizure made on reasonable Grounds.

104. No such Officer as aforesaid shall be responsible, either civilly or criminally, to any Person whomsoever, in respect of the Seizure or Detention of any Ship that has been seized or detained by him in pursuance of the Provisions herein contained, notwithstanding that such Ship is not brought in for Adjudication, or, if so brought in, is declared not to be liable to Forfeiture, if it is shown to the Satisfaction of the Judge or Court before whom any Trial relating to such Ship or such Seizure or Detention is held that there were reasonable Grounds for such Seizure or Detention; but if no such Grounds are shown, such Judge or Court may award Payment of Costs and Damages to any Party aggrieved, and make such other Order in the Premises as it thinks just.

National Character.

Penalty for carrying improper Colours.

105. If any Colours usually worn by Her Majesty's Ships, or any Colours resembling those of Her Majesty, or any distinctive National Colours, except the Red Ensign usually worn by Merchant Ships, or except the Union Jack with a White Border, or if the Pendant usually carried by Her Majesty's Ships or any Pendant in anywise resembling such Pendant, are or is hoisted on board any Ship or Boat belonging to any Subject of Her Majesty without Warrant for so doing from Her Majesty or from the Admiralty, the Master of such Ship or Boat, or the Owner thereof, if on board the same, and every other Person hoisting or joining or assisting in hoisting the same, shall for every such Offence incur a Penalty not exceeding Five hundred Pounds; and it shall be lawful for any Officer on Full Pay in the Military or Naval Service of Her Majesty, or any *British* Officer of the Customs, or any *British* Consular Officer, to board any such Ship or Boat, and to take away any such Jack, Colours, or Pendant; and such Jack, Colours, or Pendant shall be forfeited to Her Majesty.

Effect of Declaration in the Act that a Ship shall not be recognized as a British Ship.

106. Whenever it is declared by this Act that a Ship belonging to any Person or Body Corporate qualified according to this Act to be Owners of *British* Ships shall not be recognized as a *British* Ship, such Ship shall not be entitled to any Benefits, Privileges, Advantages, or Protection usually enjoyed by *British* Ships, and shall not be entitled to use the *British* Flag or assume the *British* National Character; but, so far as regards the Payment of Dues, the Liability to Pains and Penalties, and the Punishment of Offences committed on board such Ship or by any Persons belonging to her, such Ship shall be dealt with in the same Manner in all respects as if she were a recognized *British* Ship.

Evidence.

Evidence.

Copies of Registers and Declarations to be admissible in

107. Every Register of or Declaration made in pursuance of the Second Part of this Act in respect of any *British* Ship may be proved in any Court of Justice, or before any Person having by

Law or by Consent of Parties Authority to receive Evidence either by the Production of the Original or by an examined Copy thereof, or by a Copy thereof purporting to be certified under the Hand of the Registrar or other Person having the Charge of the Original; which certified Copies he is hereby required to furnish to any Person applying at a reasonable Time for the same, upon Payment of One Shilling for each such certified Copy; and every such Register or Copy of a Register, and also every Certificate of Registry of any *British* Ship, purporting to be signed by the Registrar or other proper Officer, shall be received in Evidence in any Court of Justice or before any Person having by Law or by Consent of Parties Authority to receive Evidence as *primâ facie* Proof of all the Matters contained or recited in such Register when the Register or such Copy is produced, and of all the Matters contained in or indorsed on such Certificate of Registry, and purporting to be authenticated by the Signature of a Registrar, when such Certificate is produced.

Evidence.

Evidence, and to be *primâ facie* Proof of certain Things.

Saving Clause.

108. Nothing in this Act contained shall repeal or affect an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, Chapter Fifty-six, intituled *An Act further to regulate the Trade of Ships built and trading within the Limits of the* East India *Company's Charter.*

Saving Clause.

Saving of 3 & 4 Vict. c. 56 relating to East Indian Ships.

PART III.

MASTERS AND SEAMEN.

Application.

109. The various Provisions of the Third Part of this Act shall have the following Applications, unless the Context or Subject Matter requires a different Application; (that is to say,)

Application.

Application of Part III. of Act.

Application.

Returns for certain Ships belonging to the United Kingdom.

So much of the Third Part of this Act as relates to the Delivery or Transmission of Lists of Crews to the Registrar General of Seamen shall apply to all Fishing Vessels belonging to the United Kingdom, whether employed exclusively on the Cossta of the United Kingdom or not; to all Ships belonging to the *Trinity House*, or the Commissioners of Northern Light-houses, constituted as herein-after mentioned, or the Port of *Dublin* Corporation, and to all Pleasure Yachts, and to the Owners, Masters, and Crews of such Ships:

Returns and Wages of deceased Seamen in certain Colonial Ships.

So much of the Third Part of this Act as relates to the Delivery and Transmission of Lists of Crews, and to the Wages and Effects of deceased Seamen and Apprentices, shall apply to all Sea-going *British* Ships, wherever registered, of which the Crews are discharged, or whose final Port of Destination is in the United Kingdom, and to the Owners, Masters, and Crews of such Ships:

Shipping and discharging Men in the United Kingdom.

So much of the Third Part of this Act as relates to the Shipping and Discharge of Seamen in the United Kingdom shall apply to all Sea-going *British* Ships wherever registered, and to the Owners, Masters, and Crews of such Ships:

Volunteering into the Navy.

So much of the Third Part of this Act as relates to Seamen volunteering into the Royal Navy shall apply to all Sea-going *British* Ships, wherever registered, and to the Owners, Masters, and Crews of such Ships, wherever the same may be:

Provisions applicable to Colonial Ships.

So much of the Third Part of this Act as relates to Rights to Wages and Remedies for the Recovery thereof; to the Shipping and Discharge of Seamen in Foreign Ports; to leaving Seamen abroad, and to the Relief of Seamen in Distress in Foreign Ports; to the Provisions, Health, and Accommodation of Seamen; to the Power of Seamen to make Complaints; to the Protection of Seamen from Imposition; to Discipline; to Naval Courts on the High Seas and abroad; and to Crimes committed abroad; shall apply to all Ships re-

gistered in any of Her Majesty's Dominions abroad, when such Ships are out of the jurisdiction of their respective Governments, and to the Owners, Masters, and Crews of such Ships: *Application.*

And the whole of the Third Part of this Act shall apply to all Sea-going Ships registered in the United Kingdom, (except such as are exclusively employed in fishing on the Coasts of the United Kingdom, and such as belong to the *Trinity House*, the Commissioners of Northern Lighthouses, or the Port of *Dublin* Corporation, and also except Pleasure Yachts,) and also to all Ships registered in any *British* Possession and employed in trading or going between any Place in the United Kingdom and any Place or Places not situate in the Possession in which such Ships are registered, and to the Owners, Masters, and Crews of such Ships respectively, wherever the same may be. As to whole of Part III. of Act.

Local Marine Boards.

Local Marine Boards.

110. There shall be Local Marine Boards for carrying into effect the Provisions of this Act under the Superintendence of the Board of Trade at those Seaports of the United Kingdom at which Local Marine Boards have heretofore been established, and at such other Places as the Board of Trade appoints for this Purpose; and each of such Local Marine Boards shall be constituted as follows; (that is to say,) the Mayor or Provost and the Stipendiary Magistrate or such of the Mayors or Provosts and Stipendiary Magistrates of the Place (if more than One) as the Board of Trade appoints shall be a Member or Members *ex-officio;* the Board of Trade shall appoint Four Members from Persons residing or having Places of Business at the Port or within Seven Miles thereof; and the Owners of Foreign-going Ships and of Home Trade Passenger Ships registered at the Port shall elect Six Members; and such Elections as aforesaid shall take place Constitution of Local Marine Boards.

Local Marine Boards.

on the Twenty-fifth Day of *January* One thousand eight hundred and fifty-seven, and on the Twenty-fifth Day of *January* in every Third succeeding Year, and such Appointments as aforesaid shall take place within One Month after such Elections; and upon the Conclusion of such Month and the Constitution of a new Board the Functions of the then existing Board shall cease, and the Board consisting of the Members then newly elected and appointed shall take its Place; and any occasional Vacancy caused in the Intervals between the General Elections and Appointments, by Death, Resignation, Disqualification, or otherwise, shall be filled up within One Month after it occurs; and every Person elected or appointed on an occasional Vacancy shall continue a Member until the next Constitution of a new Board, and the Mayor or Provost shall fix the Place and Mode of conducting all such Elections as aforesaid, and also on occasional Vacancies the Day of Election, and shall give at least Ten Days' Notice thereof; and the Board of Trade shall have Power to decide any Questions raised concerning any such Elections.

Qualification of Voters for Members of Local Marine Boards.

111. Owners of Foreign-going Ships and of Home Trade Passenger Ships registered at any Seaport at which there is a Local Marine Board shall have Votes at the Election of Members of such Board as follows; (that is to say,) every registered Owner of not less than Two hundred and fifty Tons in the whole of such Shipping shall at every Election have One Vote for each Member for every Two hundred and fifty Tons owned by him, so that his Votes for any One Member do not exceed Ten: And for the Purpose of ascertaining the Qualification of such Electors the following Rules shall be observed; (that is to say,) in the Case of a Ship registered in the Name of One Person, such Person shall be deemed to be the Owner, and in the Case of a Ship registered in distinct and several Shares in the Names of more Persons than One, the Tonnage shall be apportioned among the Owners as nearly as may be in proportion to their respective Shares, and each of such Persons shall be deemed to be the Owner of the

Tonnage so apportioned to him; and in the Case of a Ship or Shares of a Ship registered jointly without Severance of Interest in the Names of more Persons than One, the Tonnage shall, if it is sufficient, either alone or together with other Tonnage (if any) owned by such joint Owners, to give a Qualification to each of them, be apportioned equally between the joint Owners, and each of such joint Owners shall be deemed to be the Owner of the equal Share so apportioned to him, but if it is not so sufficient, the whole of such Tonnage shall be deemed to be owned by such One of the joint Owners resident or having a Place of Business at the Port or within Seven Miles thereof as is first named on the Register; and in making any such Apportionment as aforesaid any Portion may be struck off so as to obtain a divisible Amount; and the whole Amount of Tonnage so owned by each Person, whether in Ships or Shares of or Interests in Ships, shall be added together, and, if sufficient, shall constitute his Qualification.

Local Marine Boards.

112. The Collector of Comptroller of Customs in every Seaport of the United Kingdom at which there is a Local Marine Board shall, with the Assistance of the Registrar General of Seamen, on or before the Twenty-fifth Day of *December* in the Year One thousand eight hundred and fifty-six, and in every Third succeeding Year, make out an alphabetical List of the Persons entitled by virtue of this Act to vote at the Election of Members of such Local Marine Board, containing the Christian Name, Surname, and Residence of each such Person, and the Number of Votes to which he is entitled, and shall sign such List, and cause a sufficient Number of Copies thereof to be printed, and to be fixed on or near the Doors of the Custom House at such Seaport for Two entire Weeks next after such List has been made, and shall keep true Copies of such List, and permit the same to be perused by any Person, without Payment of any Fee, at all reasonable Hours during such Two Weeks.

Lists of such Voters to be made.

113. The Mayor or Provost of every Seaport at which there is a Local Marine Board, or such of them, if more than One, as is

Revision of List of Voters.

Local Marine Boards.

or are for the Time being so appointed as aforesaid, shall at least Twenty Days before the Twenty-fifth Day of *January* in the Year One thousand eight hundred and fifty-seven, and in each succeeding Third Year, nominate Two Justices of the Peace to revise the said Lists; and such Justices shall, between the Eighth and Fifteenth Days of *January* both inclusive in the Year in which they are so nominated, revise the said List at the Custom House of the Port, or in some convenient Place near thereto, to be hired, if necessary, by the said Collector or Comptroller, and shall give Three clear Days' Notice of such Revision by advertising the same in some local Newspaper, and by affixing a Notice thereof on or near to the Doors of such Custom House, and shall make such Revision by inserting in such List the Name of every Person who claims to be inserted therein, and gives Proof satisfactory to the said Revisors of his Right to have his Name so inserted, and by striking out therefrom the Name of every Person to the Insertion of which an Objection is made by any other Person named in such List who gives Proof satisfactory to the said Revisors that the Name of the Person so objected to ought not to have been inserted therein; and the Decision of the said Revisors with respect to every such Claim or Objection shall be conclusive; and the said Revisors shall immediately after such Revision sign their Names at the Foot of the List so revised; and such List so revised shall be the Register of Voters at Elections of Members of the Local Marine Board of such Seaport for Three Years from the Twenty-fifth Day of *January* then next ensuing inclusive to the Twenty-fourth Day of *January* inclusive in the Third succeeding Year; and the said revised List when so signed, shall be delivered to such Mayor or Provost as aforesaid of the Place, who shall, if necessary, cause a sufficient Number of Copies thereof to be printed, and shall cause a Copy to be delivered to every Voter applying for the same.

Registers to be produced.

114. The said Collector or Comptroller, if required, shall for the Assistance of the said Revisors in revising the said List pro-

duce to them the Books containing the Register of Ships registered at such Seaport; and the Registrar General of Seamen, if required, shall also produce or transmit to such Revisors such certified Extracts or Returns from the Books in his Custody as may be necessary for the same Purpose.

Local Marine Boards.

Expenses to be paid by Board of Trade.

115. The Two Justices aforesaid shall certify all Expenses properly incurred by any such Collector or Comptroller as aforesaid in making and printing the said List and in the Revision thereof, and the Board of Trade shall pay the same, and also all Expenses properly incurred by any such Mayor or Provost as aforesaid in printing the same or in Elections taking place under this Act; and the said Board may disallow any Items of any such Expenses as aforesaid which it deems to have been improperly incurred.

Persons on revised List qualified to vote.

116. Every Person whose Name appears on such revised List, and no other Person, shall be qualified to vote at the Election of Members of the Local Marine Board at such Seaport to be held on the Twenty-fifth Day of *January* next after the Revision of such List, and at any occasional Election held at any Time between that Day and the next ordinary triennial Election of the Members of such Board.

Qualification of Members of Local Marine Boards.

117. Every Male Person who is according to such revised List of the Voters at any Seaport entitled to a Vote shall be qualified to be elected a Member of the Local Marine Board of such Seaport, and no other Person shall be so qualified; and if any Person elected as a Member after such Election ceases to be an Owner of such Quantity of Tonnage as would entitle him to a Vote, he shall no longer continue to act or be considered as a Member, and thereupon another Member shall be elected in his Place.

Error in Elections not to vitiate Acts done.

118. No Act of any Local Marine Board shall be vitiated or prejudiced by reason of any Irregularity in the Election of any of its Members, or of any Error in the List of Voters herein mentioned, or of any Irregularity in the making or revising of such List, or by reason of any Person who is not duly qualified as herein-before directed acting upon such Board.

Local Marine Boards.

Minutes and Business of Local Marine Boards.

119. Every Local Marine Board shall keep Minutes of its Proceedings, and the same shall be kept in such Mode (if any) as the Board of Trade prescribes; and such Minutes, and all Books or Documents used or kept by any Local Marine Board, or by any Examiners, Shipping Masters, or other Officers or Servants under the Control of any Local Marine Board, shall be open to the Inspection of the Board of Trade and its Officers; and every Local Marine Board shall make and send to the Board of Trade such Reports and Returns as it requires; but, subject as aforesaid, every Local Marine Board may regulate the Mode in which its Meetings are to be held and its Business conducted.

If any Local Marine Board fails to discharge its Duties, Board of Trade may assume its Duties, or direct a new Election.

120. If any Local Marine Board, by reason of any Election not taking place, or of the simultaneous Resignation or continued Non-attendance of all or the greater Part of the Members, or from any other Cause, fails to meet or to discharge its Duties, the Board of Trade may in its Discretion either take into its own Hands the Performance of the Duties of such Local Marine Board until the next triennial Appointment and Election thereof, or direct that a new Appointment and Election of such Local Marine Board shall take place immediately.

Board of Trade, on Complaint, may alter Arrangements made by Local Marine Boards.

121. If upon Complaint made to the Board of Trade it appears to such Board that any Appointments or Arrangements made by any Local Marine Board under the Powers hereby given to it are not such as to meet the Wants of the Port, or are in any respect unsatisfactory or improper, the Board of Trade may annul, alter, or rectify such Appointments or Arrangements in such Manner as, having regard to the Intentions of this Act and to the Wants of the Port, it deems to be expedient.

Shipping Offices.

Shipping Offices.

Local Marine Boards to establish Shipping Offices.

122. In every Seaport in the United Kingdom in which there is a Local Marine Board such Board shall establish a Shipping Office or Shipping Offices, and may for that Purpose, subject as

Shipping Offices.

herein mentioned, procure the requisite Premises, and appoint and from Time to Time remove and re-appoint Superintendents of such Offices, to be called Shipping Masters, with any necessary Deputies, Clerks, and Servants, and regulate the Mode of conducting business at such Offices, and shall subject as herein mentioned, have complete Control over the same; and every Act done by or before any Deputy duly appointed shall have the same Effect as if done by or before a Shipping Master.

Board of Trade to have partial Control over Shipping Offices.

123. The Sanction of the Board of Trade shall be necessary so far as regards the Number of Persons so appointed by any such Local Marine Board, and the Amount of their Salaries and Wages and all other Expenses; and the Board of Trade shall have the immediate Control of such Shipping Offices, so far as regards the Receipt and Payment of Money thereat; and all Shipping Masters Deputies, Clerks, and Servants so appointed as aforesaid shall before entering upon their Duties give such Security (if any) for the due Performance thereof as the Board of Trade requires; and if in any Case the Board of Trade reason to believe that any Shipping Master, Deputy, Clerk or Servant appointed by any Local Marine Board does not properly discharge his Duties, the Board of Trade may cause the Case to be investigated, and may, if it thinks fit so to do, remove him from his Office, and may provide for the proper Performance of his Duties until another Person is properly appointed in his Place.

Business of such Offices generally

124. It shall be the general Business of Shipping Masters appointed as aforesaid—

To afford Facilities for engaging Seamen by keeping Registries of their Names and Characters;

To superintend and facilitate their Engagement and Discharge in manner herein-after mentioned;

To provide Means for securing the Presence on board at the proper Times of Men who are so engaged;

To facilitate the making of Apprenticeships to the Sea Service;

Shipping Offices.

To perform such other Duties relating to Merchant Seamen and Merchant Ships as are hereby or may hereafter under the Powers herein contained be committed to them.

Fees to be paid upon Engagements and Discharges.

125. Such Fees, not exceeding the Sums specified in the Table marked P. in the Schedule hereto, as are from Time to Time fixed by the Board of Trade, shall be payable upon all Engagements and Discharges effected before Shipping Masters as herein-after mentioned, and the Board of Trade shall cause Scales of the Fees payable for the Time being to be prepared and to conspicuously placed in the Shipping Offices; and all Shipping Masters, their Deputies, Clerks, and Servants, may refuse to proceed with any Engagement or Discharge unless the Fees payable thereon are first paid.

Masters to pay Fees and to deduct Part from Wages.

126. Every Owner or Master of a Ship engaging or discharging any Seamen or Seaman in a Shipping Office or before a Shipping Master shall pay to the Shipping Master the whole of the Fees hereby made payable in respect of such Engagement or Discharge, and may, for the Purpose of in part reimbursing himself, deduct in respect of each such Engagement or Discharge from the Wages of all Persons (except Apprentices) so engaged or discharged, and retain, any Sums not exceeding the Sums specified in that Behalf in the Table marked Q. in the Schedule hereto: Provided that, if in any Cases the Sums which the Owner is so entitled to deduct exceed the Amount of the Fee payable by him, such Excess shall be paid by him to the Shipping Master in addition to such Fee.

Proviso as to Excess.

Penalty on Shipping Masters taking other Remuneration.

127. Any Shipping Master, Deputy Shipping Master, or any Clerk or Servant in any Shipping Office, who demands or receives any Remuneration whatever, either directly or indirectly, for hiring or supplying any Seaman for any Merchant Ship, excepting the lawful Fees payable under this Act, shall for every such Offence incur a Penalty not exceeding Twenty Pounds, and shall also be liable to be dismissed from his Office by the Board of Trade.

Business of Shipping Offices may be

128. The Board of Trade may, with the consent of the Commissioners of Customs, direct that at any Place in which no sepa-

rate Shipping Office is established the whole or any Part of the Business of the Shipping Office shall be conducted at the Custom House, and thereupon the same shall be there conducted accordingly; and in respect of such Business such Custom House shall for all Purposes be deemed to be a Shipping Office, and the Officer of Customs there to whom such Business is committed shall for all Purposes be deemed to be a Shipping Master within the meaning of this Act.

Shipping Offices.

transacted at Custom Houses.

129. The Board of Trade may appoint any Superintendent of or other Person connected with any Sailors Home in the Port of *London* to be a Shipping Master, with any necessary Deputies, Clerks, and Servants, and may appoint any Office in any such Home to be a Shipping Office; and all Shipping Masters and Shipping Offices so appointed shall be subject to the immediate Control of the Board of Trade and not of the Local Marine Board of the Port.

In London Sailors Homes may be Shipping Offices.

130. The Board of Trade may from Time to Time dispense with the Transaction before a Shipping Master or in a Shipping Office of any Matters required by this Act to be so transacted; and thereupon such Matters shall if otherwise duly transacted as required by Law, be as valid as if transacted before a Shipping Master or in a Shipping Office.

Dispensation with Shipping Master's Superintendence.

Examinations and Certificates of Masters and Mates.

Certificates of Masters and Mates

131. Examinations shall be instituted for Persons who intend to become Masters or Mates of Foreign-going Ships, or of Home Trade Passenger Ships, or who wish to procure Certificates of Competency herein-after mentioned; and, subject as herein mentioned, the Local Marine Boards shall provide for the Examinations at their respective Ports, and may appoint and from Time to Time remove and re-appoint Examiners to conduct the same, and may regulate the same; and any Members of the Local Marine Board of the Place where the Examination is held may be present and assist at any such Examination.

Examinations to be instituted for Masters and Mates.

Certificates of Masters and Mates.

Powers of Board of Trade over Examinations.

132. The Board of Trade may from Time to Time lay down Rules as to the Conduct of such Examinations and as to the Qualifications of the Applicants, and such Rules shall be strictly adhered to by all Examiners; and no Examiner shall be appointed unless he possesses a Certificate of Qualification, to be from Time to Time granted or renewed by the Board of Trade; and the Sanction of the Board of Trade shall be necessary, so far as regards the Number of Examiners to be appointed, and the Amount of their Remuneration; and the Board of Trade may at any Time depute any of its Officers to be present and assist at any Examination; and if it appears to the Board of Trade that the Examinations for any Two or more Ports can be conducted without Inconvenience by the same Examiners, it may require and authorize the Local Marine Boards of such Ports to act together as One Board in providing for and regulating Examinations and appointing and removing Examiners for such Ports.

Fees to be paid by Applicants for Examination.

133. All Applicants for Examination shall pay such Fees, not exceeding the Sums specified in the Table marked R. in the Schedule hereto, as the Board of Trade directs; and such Fees shall be paid to such Persons as the said Board appoints for that Purpose.

Certificates of Competency to be granted to those who pass.

134. Subject to the Proviso herein-after contained, the Board of Trade shall deliver to every Applicant who is duly reported by the Local Examiners to have passed the Examination satisfactorily, and to have given satisfactory Evidence of his Sobriety, Experience, Ability, and general good Conduct on board Ship, a Certificate (herein-after called a "Certificate of Competency") to the Effect that he is competent to act as Master, or as First, Second, or only Mate of a Foreign-going Ship, or as Master or Mate of a Home Trade Passenger Ship, as the Case may be: Provided that in evrey Case in which the Board of Trade has Reason to believe such Report to have been unduly made, such Board may remit the Case either to the same or to any other Examiners, and may require a Re-examination of the Applicant, or a further Inquiry into his Testimonials and Character, before granting him a Certificate.

135. Certificates of Service, differing in Form from Certificates of Competency, shall be granted as follows; (that is to say,)

Certificates of Masters and Mates.

Certificates of Service to be delivered to Persons who served as Masters or Mates before 1851, and to certain Naval Officers; and Certificates of Service for Home Trade Passenger Ships to be delivered to Persons who have served as Masters or Mates in such Ships before 1st January 1854.

(1.) Every Person who before the First Day of *January* One thousand eight hundred and fifty-one served as Master in the *British* Merchant Service, or who has attained or attains the Rank of Lieutenant, Master, Passed Mate, or Second Master, or any higher Rank in the Service of Her Majesty or of the *East India* Company, shall be entitled to a Certificate of Service as Master for Foreign-going Ships:

(2.) Every Person who before the First Day of *January* One thousand eight hundred and fifty-one served as Mate in the *British* Merchant Service shall be entitled to a Certificate of Service as Mate for Foreign-going Ships:

(3.) Every Person who before the First Day of *January* One thousand eight hundred and fifty-four has served as Master of a Home-Trade Passenger Ship shall be entitled to a Certificate of Service as Master for Home Trade Passenger Ships:

(4.) Every Person who before the First Day of *January* One thousand eight hundred and fifty-four has served as Mate of a Home Trade Passenger Ship shall be entitled to a Certificate of Service as Mate for Home Trade Passenger Ships:

And each of such Certificates of Service shall contain Particulars of the Name, Place, and Time of Birth, and of the Length and Nature of the previous Service of the Person to whom the same is delivered; and the Board of Trade shall deliver such Certificates of Service to the various Persons so respectively entitled thereto, upon their proving themselves to have attained such Rank or to have served as aforesaid, and upon their giving a full and satisfactory Account of the Particulars aforesaid.

No Foreign-going Ship or Home Trade Passenger Ship to proceed to Sea without Certificates of

136. No Foreign-going Ship or Home Trade Passenger Ship shall go to Sea from any Port in the United Kingdom unless the Master thereof, and in the Case of a Foreign-going Ship the First and Second Mates or Only Mate (as the Case may be), and in the Case of a Home Trade Passenger Ship the First or Only Mate (as

Certificates of Masters and Mates.

the Master and Mates.

the Case may be), have obtained and possess valid Certificates either of Competency or Service appropriate to their several Stations in such Ship, or of a higher Grade; and no such Ship, if of One hundred Tons Burden or upwards, shall go to Sea as aforesaid unless at least One Officer besides the Master has obtained and possesses a valid Certificate appropriate to the Grade of Only Mate therein or to a higher Grade; and every Person who, having been engaged to serve as Master or as First or Second or Only Mate of any Foreign-going Ship, or as Master or First or Only Mate of a Home Trade Passenger Ship, goes to Sea as aforesaid as such Master or Mate without being at the Time entitled to and possessed of such a Certificate as herein-before required, or who employs any Person as Master, or First, Second, or Only Mate of any Foreign-going Ship, or as Master or First or Only Mate of a Home Trade Passenger Ship, without ascertaining that he is at the Time entitled to and possessed of such Certificate, shall for each such Offence incur a Penalty not exceeding Fifty Pounds.

Certificates for Foreign-going Ships available for Home Trade Passenger Ships.

137. Every Certificate of Competency for a Foreign-going Ship shall be deemed to be of a higher Grade than the corresponding Certificate for a Home Trade Passenger Ship, and shall entitle the lawful Holder thereof to go to Sea in the corresponding Grade in such last-mentioned Ship; but no Certificate for a Home Trade Passenger Ship shall entitle the Holder to go to Sea as Master or Mate of a Foreign-going Ship.

The Registrar to record Grants, Cancellations, &c. of Certificates.

138. All Certificates, whether of Competency or Service, shall be made in Duplicate, and one Part shall be delivered to the Person entitled to the Certificate, and the other shall be kept and recorded by the Registrar General of Seamen or by such other Person as the Board of Trade appoints for that Purpose; and the Board of Trade shall give to such Registrar or such other Person immediate Notice of all Orders made by it for cancelling, suspending, altering, or otherwise affecting any Certificate in pursuance of the Powers herein contained; and the Registrar or such other Person as aforesaid shall thereupon make a corresponding Entry in

the Record of Certificates; and a Copy purporting to be certified by such Registrar or his Assistant or by such Person as aforesaid of any Certificate shall be *primâ facie* Evidence of such Certificate, and a Copy purporting to be so certified as aforesaid of any Entry made as aforesaid in respect of any Certificate shall be *primâ facie* Evidence of the Truth of the Matters stated in such Entry.

Certificates of Masters and Mates.

Duplicates and Entries to be Evidence.

139. Whenever any Master or Mate proves to the Satisfaction of the Board of Trade that he has, without Fault on his Part, lost or been deprived of any Certificate already granted to him, the Board of Trade shall, upon Payment of such Fee (if any) as it directs, cause a Copy of the Certificate to which by the Record so kept as aforesaid he appears to be entitled, to be made out and certified as aforesaid, and to be delivered to him; and any Copy which purports to be so made and certified as aforesaid shall have all the Effect of the Original.

In case of Loss a Copy to be granted.

140. Every Person who makes, or procures to be made, or assists in making, any false Representation for the Purpose of obtaining for himself or for any other Person a Certificate either of Competency or Service, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such Certificate or any official Copy of any such Certificate, or who fraudulently makes use of any such Certificate or any Copy of any such Certificate which is forged, altered, cancelled, suspended, or to which he is not justly entitled, or who fraudulently lends his Certificate to or allows the same to be used by any other Person, shall for each Offence be deemed guilty of a Misdemeanor.

Penalties for false Representations;

for forging or altering or fraudulently using or lending any Certificate.

Apprenticeships to the Sea Service.

Apprenticeships to Sea Service.

141. All Shipping Masters appointed under this Act shall, if applied to for the Purpose, give to any Board of Guardians, Overseers, or other Persons desirous of apprenticing Boys to the Sea Service, and to Masters and Owners of Ships requiring Ap-

Shipping Masters to assist in binding Apprentices, and may receive Fees.

Apprenticeships to Sea Service.

prentices, such Assistance as is in their Power for facilitating the making of such Apprenticeships, and may receive from Persons availing themselves of such Assistance such Fees as may be determined in that Behalf by the Board of Trade, with the Concurrence, so far as relates to Pauper Apprentices in *England*, of the Poor Law Board in *England*, and so far as relates to Pauper Apprentices in *Ireland*, of the Poor Law Commissioners in *Ireland*.

Indentures of Boys bound Apprentices to Sea Service by Guardians or Overseers to be witnessed by Two Justices.

142. In the Case of every Boy bound Apprentice to the Sea Service by any Guardians or Overseers of the Poor, or other Persons having the Authority of Guardians of the Poor, the Indentures shall be executed by the Boy and the Person to whom he is bound in the Presence of and shall be attested by two Justices of the Peace, who shall ascertain that the Boy has consented to be bound, and has attained the Age of Twelve Years, and is of sufficient Health and Strength, and that the Master to whom the Boy is to be bound is a proper Person for the Purpose.

Indentures of Apprenticeship to be exempt from Stamp Duty, and to be recorded.

143. All Indentures of Apprenticeship to the Sea Service shall be exempt from Stamp Duty; and all such Indentures shall be in Duplicate; and every Person to whom any Boy whatever is bound as an Apprentice to the Sea Service in the United Kingdom shall within Seven Days after the Execution of the Indentures take or transmit the same to the Registrar General of Seamen or to some Shipping Master; and the said Registrar or Shipping Master shall retain and record One Copy, and shall indorse on the other that the same has been recorded, and shall re-deliver the same to the Master of the Apprentice; and whenever any such Indenture is assigned or cancelled, and whenever any such Apprentice dies or deserts, the Master of the Apprentice shall, within Seven Days after such Assignment, Cancellation, Death, or Desertion, if the same happens within the United Kingdom, or if the same happens elsewhere, so soon afterwards as Circumstances permit, notify the same either to the said Registrar of Seamen, or to some Shipping Master, to be recorded; and every Person who fails to comply with

the Provisions of this Section shall incur a Penalty not exceeding Ten Pounds. *Apprenticeships to Sea Service.*

144. Subject to the Provisions herein-before contained, all Apprenticeships to the Sea Service made by any Guardians or Overseers of the Poor, or Persons having the Authority of Guardians of the Poor, shall if made in *Great Britain*, be made in the same Manner and be subject to the same Laws and Regulations as other Apprenticeships made by the same Persons, and if made in *Ireland* shall be subject to the following Rules; (that is to say,) Rules to govern Apprenticeship of Paupers in Great Britain and Ireland respectively.

(1.) In every Union the Guardians of the Poor, or other Persons duly appointed to carry into execution the Acts for the Relief of the destitute Poor and having the Authority of Guardians of the Poor, may put out and bind as an Apprentice to the Sea Service any Boy who or whose Parent or Parents is or are receiving Relief in such Union, and who has attained the Age of Twelve Years, and is of sufficient Health and Strength, and who consents to be so bound:

(2.) If the Cost of relieving any such Boy is chargeable to an Electoral Division of a Union, then (except in Cases in which paid Officers act in Place of Guardians) he shall not be bound as aforesaid unless the Consent in Writing of the Guardians of such Electoral Division or of a Majority of the Guardians (if more than One) be first obtained, such Consent to be, when possible, indorsed upon the Indentures:

(3.) The expense incurred in the Binding and Outfit of any such Apprentice shall be charged to the Union or Electoral Division (as the Case may be) to which the Boy or his Parent or Parents is or are chargeable at the Time of his being apprenticed:

(4.) All Indentures made in any Union may be sued upon by the Guardians of the Union or Persons having the Authority of Guardians therein for the Time being, by their Name of Office, and Actions brought by them upon such Indentures shall not abate by reason of Death or Change in the Persons

Apprenticeships to Sea Service.

holding the Office; but no such Action shall be commenced without the Consent of the *Irish* Poor Law Commissioners:

(5.) The amount of the Costs incurred in any such Action and not recovered from the Defendant therein, may be charged upon the Union or Electoral Division (as the Case may be) to which the Boy or his Parent or Parents was or were chargeable at the Time of his being apprenticed.

Apprentices and their Indentures to be brought before Shipping Master before each Voyage in a Foreign-going Ship.

145. The Master of every Foreign-going Ship shall, before carrying any Apprentice to Sea from any Place in the United Kingdom, cause such Apprentice to appear before the Shipping Master before whom the Crew is engaged, and shall produce to him the Indenture by which such Apprentice is bound, and the Assignment or Assignments thereof (if any); and the Name of such Apprentice, with the Date of the Indenture and of the Assignment or Assignments thereof (if any), and the Name of the Port or Ports at which the same have been registered, shall be entered on the Agreement; and for any Default in obeying the Provisions of this Section the Master shall for each Offence incur a Penalty not exceeding Five Pounds.

Engagement of Seamen.

Engagement of Seamen.

Board of Trade may license Persons to procure Seamen.

146. The Board of Trade may grant to such Persons as it thinks fit Licences to engage or supply Seamen or Apprentices for Merchant Ships in the United Kingdom, to continue for such Periods, to be upon such Terms, and to be revocable upon such Conditions, as such Board thinks proper.

Penalties:

147. The following Offences shall be punishable as herein-after mentioned; (that is to say,)

For supplying Seamen without Licence;

(1.) If any person not licensed as aforesaid, other than the Owner or Master or a Mate of the Ship, or some Person who is *bonâ fide* the Servant and in the constant Employ of the Owner, or a Shipping Master duly appointed as aforesaid, engages or supplies any Seaman or Apprentice to be entered

on board any Ship in the United Kingdom, he shall for each Seaman or Apprentice so engaged or supplied incur a Penalty not exceeding Twenty Pounds :

Engagement of Seamen.

(2.) If any Person employs any unlicensed Person, other than Persons so excepted as aforesaid, for the Purpose of engaging or supplying any Seaman or Apprentice to be entered on board any Ship in the United Kingdom, he shall for each Seaman or Apprentice so engaged or supplied incur a Penalty not exceeding Twenty Pounds, and if licensed shall in addition forfeit his Licence :

For employing unlicensed Persons.

(3.) If any Person knowingly receives or accepts to be entered on board any Ship any Seaman or Apprentice who has been engaged or supplied contrary to the Provisions of this Act, he shall for every Seaman or Apprentice so engaged or supplied incur a Penalty not exceeding Twenty Pounds.

For receiving Seamen illegally supplied.

148. If any Person demands or receives, either directly or indirectly, from any Seaman or Apprentice, or from any Person seeking Employment as a Seaman or Apprentice, or from any Person on his Behalf, any Remuneration whatever, other than the Fees hereby authorized for providing him with Employment, he shall for every such Offence incur a Penalty not exceeding Five Pounds.

Penalty for receiving Remuneration from Seamen for shipping them.

149. The Master of every Ship, except Ships of less than Eighty Tons registered Tonnage exclusively employed in Trading between different Ports on the Coasts of the United Kingdom, shall enter into an agreement with every Seaman whom he carries to Sea from any Port in the United Kingdom as One of his Crew in the Manner herein-after mentioned; and every such Agreement shall be in a Form sanctioned by the Board of Trade, and shall be dated at the Time of the first Signature thereof, and shall be signed by the Master before any Seaman signs the same, and shall contain the following particulars as Terms thereof; (that is to say,)

Agreements to be made with Seamen, containing certain Particulars.

(1.) The Nature, and, as far as practicable, the Duration of the intended Voyage or Engagement:

Engagement of Seamen.

(2.) The Number and Description of the Crew, specifying how many are engaged as Sailors:

(3.) The Time at which each Seaman is to be on board or to begin Work:

(4.) The Capacity in which each Seaman is to serve:

(5.) The Amount of Wages which each Seaman is to receive:

(6.) A Scale of the Provisions which are to be furnished to each Seaman:

(7.) Any Regulations as to Conduct on board, and as to Fines, short Allowance of Provisions, or other lawful Punishments for Misconduct, which have been sanctioned by the Board of Trade as Regulations proper to be adopted, and which the parties agree to adopt.

Proviso as to Forms for Colonial Ships.

And every such Agreement shall be so framed as to admit of Stipulations, to be adopted at the Will of the Master and Seaman in each Case, as to Advance and Allotment of Wages, and may contain any other Stipulations which are not contrary to Law: Provided that if the Master of any Ship belonging to any *British* Possession has an Agreement with his Crew made in due Form according to the Law of the Possession to which such Ship belongs or in which her Crew were engaged, and engages single Seamen in the United Kingdom, such Seamen may sign the Agreement so made, and it shall not be necessary for them to sign an Agreement in the Form sanctioned by the Board of Trade.

For Foreign-going Ships such Agreements, when made in the United Kingdom, except in special Cases, to be made before and attested by a Shipping Master.

150. In the Case of all Foreign-going Ships, in whatever part of Her Majesty's Dominions the same are registered, the following Rules shall be observed with respect to Agreements; (that is to say,)

(1.) Every Agreement made in the United Kingdom (except in such Cases of Agreements with Substitutes as are herein-after specially provided for) shall be signed by each Seaman in the Presence of a Shipping Master:

(2.) Such Shipping Master shall cause the Agreement to be read over and explained to each Seaman, or otherwise ascertain

that each Seaman understands the same before he signs it, and shall attest each Signature: *Engagement of Seamen.*

(3.) When the Crew is first engaged the Agreement shall be signed in Duplicate, and one Part shall be retained by the Shipping Master, and the other Part shall contain a special Place or Form for the Descriptions and Signatures of Substitutes or Persons engaged subsequently to the First Departure of the Ship, and shall be delivered to the Master: To be in Duplicate;

(4.) In the Case of Substitutes engaged in the Place of Seamen who have duly signed the Agreement, and whose Services are lost within Twenty-four Hours of the Ship's putting to Sea by Death, Desertion, or other unforeseen Cause, the Engagement shall, when practicable, be made before some Shipping Master duly appointed in the Manner herein-before specified; and whenever such last-mentioned Engagement cannot be so made, the Master shall, before the Ship puts to Sea, if practicable, and if not, as soon afterwards as possible, cause the Agreement to be read over and explained to the Seamen; and the Seamen shall thereupon sign the same in the Presence of a Witness, who shall attest their Signatures. Provision for Substitutes.

151. In the Case of Foreign-going Ships making Voyages averaging less than Six Months in Duration, running Agreements with the Crew may be made to extend over Two or more Voyages, so that no such Agreement shall extend beyond the next following Thirtieth Day of *June* or Thirty-first Day of *December* or the First Arrival of the Ship at her Port of Destination in the United Kingdom after such Date, or the Discharge of Cargo consequent upon such Arrival; and every Person entering into such Agreement, whether engaged upon the First Commencement thereof or otherwise, shall enter into and sign the same in the Manner hereby required for other Foreign-going Ships; and every Person engaged thereunder, if discharged in the United Kingdom, shall be discharged in the Manner hereby required for the Discharge of Seamen belonging to other Foreign-going Ships. Foreign-going Ships making short Voyages may have running Agreements.

Engagement of Seamen.

Engagement and Discharge of Seamen in the mean time.

152. The Master of every Foreign-going Ship for which such a running Agreement as aforesaid is made shall, upon every Return to any Port in the United Kingdom before the final Termination of the Agreement, discharge or engage before the Shipping Master at such Port any Seaman whom he is required by Law so to discharge or engage, and shall upon every such Return indorse on the Agreement a Statement (as the case may be) either that no such Discharges or Engagements have been made or are intended to be made before the Ship again leaves Port, or that all such Discharges or Engagements have been duly made as herein-before required, and shall deliver the Agreement so indorsed to the Shipping Master; and any Master who wilfully makes a false Statement in such Indorsement shall incur a Penalty not exceeding Twenty Pounds; and the Shipping Master shall also sign an Indorsement on the Agreement to the Effect that the Provisions of this Act relating to such Agreement have been complied with, and shall re-deliver the Agreement so indorsed to the Master.

Duplicates of running Agreements, how to be dealt with.

153. In Cases in which such running Agreements are made, the Duplicate Agreement retained by the Shipping Master upon the First Engagement of the Crew shall either be transmitted to the Registrar General of Seamen immediately, or be kept by the Shipping Master until the Expiration of the Agreement, as the Board of Trade directs.

Fees to be paid on such running Agreements.

154. For the Purpose of determining the Fees to be paid upon the Engagement and Discharge of Seamen belonging to Foreign-going Ships which have running Agreements as aforesaid, the Crew shall be considered to be engaged when the Agreement is first signed, and to be discharged when the Agreement finally terminates, and all intermediate Engagements and Discharges shall be considered to be Engagements and Discharges of single Seamen.

In Home Trade Ships Agreement to be entered into before

155. In the Case of Home Trade Ships, Crews or single Seamen may, if the Master thinks fit, be engaged before a Shipping Master in the Manner herein-before directed with respect to

Foreign-going Ships; and in every Case in which the Engagement is not so made, the Master shall, before the Ship puts to Sea if practicable, and if not, as soon afterwards as possible, cause the Agreement to be read over and explained to each Seaman, and the Seaman shall thereupon sign the same in the Presence of a Witness, who shall attest his Signature.

Engagement of Seamen. — a Shipping Master or other witness.

156. In Cases where several Home Trade Ships belong to the same Owner, the Agreement with the Seamen may, notwithstanding anything herein contained, be made by the Owner instead of by the Master, and the Seamen may be engaged to serve in any Two or more of such Ships, provided that the Names of the Ships and the Nature of the Service are specified in the Agreement; but with the foregoing Exception all Provisions herein contained which relate to ordinary Agreements for Home Trade Ships shall be applicable to Agreements made in pursuance of this Section.

Special Agreements for Home Trade Ships belonging to same Owners.

157. If in any Case a Master carries any Seaman to Sea without entering into an Agreement with him in the Form and Manner and at the Place and Time hereby in such Case required, the Master in the Case of a Foreign-going Ship, and the Master or Owner in the Case of a Home Trade Ship, shall for each such Offence incur a Penalty not exceeding Five Pounds.

Penalty for shipping Seamen without Agreement duly executed.

158. The Master of every Foreign-going Ship of which the Crew has been engaged before a Shipping Master shall before finally leaving the United Kingdom sign and send to the nearest Shipping Master a full and accurate Statement in a Form sanctioned by the Board of Trade of every Change which takes place in his Crew before finally leaving the United Kingdom, and in default shall for each Offence incur a Penalty not exceeding Five Pounds; and such Statement shall be admissible in Evidence, subject to all just Exceptions.

Changes in Crew to be reported.

159. Every Master of a Ship who, if such Ship is registered in the United Kingdom engages any Seaman in any *British* Possession, or if such Ship belongs to any *British* Possession engages any Seaman in any *British* Possession other than that to which the

Seamen engaged in the Colonies to be shipped before some Shipping

Engagement of Seamen.

Master or Officer of Customs.

Ship belongs, shall, if there is at the Place where such Seaman is engaged any official Shipping Master or other Officer duly appointed for the Purpose of shipping Seamen, engage such Seaman before such Shipping Master, and if there is no such Shipping Master or Officer, then before some Officer of Customs; and the same Rules, Qualifications, and Penalties as are herein-before specified with respect to the Engagement of Seamen before Shipping Masters in the United Kingdom shall apply to such Engagements in a *British* Possession; and upon every such Engagement such Shipping Master or Officer as aforesaid shall indorse upon the Agreement an Attestation to the Effect that the same has been signed in his Presence, and otherwise made as hereby required; and if in any Case such Attestation is not made, the Burden of proving that the Seaman was duly engaged as hereby required shall lie upon the Master.

Seamen engaged in Foreign Ports to be shipped with the Sanction and in the Presence of the Consul.

160. Every Master of a *British* Ship who engages any Seaman at any Place out of Her Majesty's Dominions in which there is a *British* Consular Officer shall, before carrying such Seaman to Sea, procure the Sanction of such Officer, and shall engage such Seaman before such Officer; and the same Rules as are herein-before contained with respect to the Engagement of Seamen before Shipping Masters in the United Kingdom shall apply to such Engagements made before Consular Officers; and upon every such Engagement the Consular Officer shall indorse upon the Agreement his Sanction thereof, and an Attestation to the Effect that the same has been signed in his Presence, and otherwise made as hereby required; and every Master who engages any Seaman in any Place in which there is a Consular Officer, otherwise than as herein-before required, shall incur a Penalty not exceeding Twenty Pounds; and if in any Case the Indorsement and Attestation hereby required is not made upon the Agreement, the Burden of proving the Engagement to have been made as herein-before required shall lie upon the Master.

Rules as to Production of Agreements

161. The following Rules shall be observed with respect to the Production of Agreements and Certificates of Competency or Service for Foreign-going Ships; (that is to say,)

Engagement of Seamen.

and Certificates of Masters and Mates of Foreign-going Ships.

(1.) The Master of every Foreign-going Ship shall, on signing the Agreement with his Crew, produce to the Shipping Master before whom the same is signed the Certificates of Competency or Service which the said Master and his First and Second Mate or Only Mate, as the Case may be, are hereby required to possess; and upon such Production being duly made, and the Agreement being duly executed as hereby required, the Shipping Master shall sign and give to the Master a Certificate to that Effect:

(2.) In the Case of running Agreements for Foreign-going Ships the Shipping Master shall, before the Second and every subsequent Voyage made after the First Commencement of the Agreement, sign and give to the Master, on his complying with the Provisions herein contained with respect to such Agreements, and producing to the Shipping Master the Certificate of Competency or Service of any First, Second, or Only Mate then first engaged by him, a Certificate to that Effect:

(3.) The Master of every Foreign-going Ship shall, before proceeding to Sea, produce the Certificate so to be given to him by the Shipping Master as aforesaid to the Collector or Comptroller of Customs, and no Officer of Customs shall clear any such Ship Outwards without such Production; and if any such Ship attempts to go to Sea without a Clearance, any such Officer may detain her until such Certificate as aforesaid is produced:

(4.) The Master of every Foreign-going Ship shall, within Forty-eight Hours after the Ship's Arrival at her final Port of Destination in the United Kingdom, or upon the Discharge of the Crew, whichever first happens, deliver such Agreement to a Shipping Master at the Place; and such Shipping Master shall thereupon give to the Master a Certificate of such Delivery; and no Officer of Customs shall clear any Foreign-going Ship Inwards without the Production of such Certificate:

Engagement of Seamen. —.

And if the Master of any Foreign-going Ship fails to deliver the Agreement to a Shipping Master at the Time and in the Manner hereby directed, he shall for every Default incur a Penalty not exceeding Five Pounds.

162. The following Rules shall be observed with respect to the Production of Agreements and Certificates of Competency or Service for Home Trade Ships; (that is to say,)

Rules as to Production of Agreements and Certificates for Home Trade Ships.

(1.) In the Case of Home Trade Ships of more than Eighty Tons Burden, no Agreement shall extend beyond the next following Thirtieth Day of *June* or Thirty-first Day of *December*, or the First Arrival of the Ship at her final Port of Destination in the United Kingdom after such Date, or the Discharge of Cargo consequent upon such Arrival:

(2.) The Master or Owner of every such Ship shall, within Twenty-one Day after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year, transmit or deliver to some Shipping Master in the United Kingdom every Agreement made within the Six Calendar Months next preceding such Days respectively, and shall also in the Case of Home Trade Passenger Ships produce to the Shipping Master the Certificates of Competency or Service which the said Master, and his First or Only Mate, as the Case may be, are hereby required to possess:

(3.) The Shipping Master shall thereupon give to the Master or Owner a Certificate of such Delivery and Production; and no Officer of Customs shall grant a Clearance or Transire for any such Ship as last aforesaid without the Production of such Certificate; and if any such Ship attempts to ply or go to Sea without such Clearance or Transire, any such Officer may detain her until the said Certificate is produced:

And if the Agreement for any Home Trade Ship is not delivered or transmitted by the Master or Owner to a Shipping Master at the Time and in the Manner hereby directed, such Master or Owner shall for every Default incur a Penalty not exceeding Five Pounds.

163. Every Erasure, Interlineation, or Alteration in any such Agreement with Seamen as is required by the Third Part of this Act (except Additions so made as herein-before directed for shipping Substitutes or Persons engaged subsequently to the First Departure of the Ship) shall be wholly inoperative, unless proved to have been made with the Consent of all the Persons interested in such Erasure, Interlineation, or Alteration by the written Attestation (if made in Her Majesty's Dominions) of some Shipping Master, Justice, Officer of Customs, or other public Functionary, or (if made out of Her Majesty's Dominions) of a *British* Consular Officer, or, where there is no such Officer, of Two respectable *British* Merchants.

Engagement of Seamen.

Alterations to be void unless attested to have been made with the Consent of all Parties.

164. Every Person who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, or makes, or assists in making, or procures to be made, any false Entry in, or delivers, assists in delivering, or procures to be delivered, a false Copy of any Agreement, shall for each such Offence be deemed guilty of a Misdemeanor.

Penalty for falsifying Agreement.

165. Any Seaman may bring forward Evidence to prove the Contents of any Agreement or otherwise to support his Case, without producing or giving Notice to produce the Agreement or any Copy thereof.

Seamen not to be bound to produce Agreement.

166. The Master shall at the Commencement of every Voyage or Engagement cause a legible Copy of the Agreement (omitting the Signatures) to be placed or posted up in such Part of the Ship as to be accessible to the Crew, and in default shall for each Offence incur a Penalty not exceeding Five Pounds.

Copy of Agreement to be made accessible to Crew.

167. Any Seaman who has signed an Agreement, and is afterwards discharged before the Commencement of the Voyage, or before One Month's Wages are earned, without Fault on his Part justifying such Discharge and without his Consent, shall be entitled to receive from the Master or Owner, in addition to any Wages he may have earned, due Compensation for the Damage thereby caused to him, not exceeding One Month's Wages, and may, on adducing such Evidence as the Court hearing the Case deems satis-

Seamen discharged before Voyage to have Compensation.

Engagement of Seamen.

factory of his having been so improperly discharged as aforesaid, recover such Compensation as if it were Wages duly earned.

Allotment of Wages.

Allotment of Wages.

Regulations as to Allotment Notes.

168. All Stipulations for the Allotment of any Part of the Wages of a Seaman during his Absence which are made at the Commencement of the Voyage shall be inserted in the Agreement, and shall state the Amounts and Times of the Payments to be made; and all Allotment Notes shall be in Forms sanctioned by the Board of Trade.

Allotment Notes may be sued on summarily by certain Persons and under certain Conditions.

169. The Wife, or the Father or Mother, or the Grandfather or Grandmother, or any Child or Grandchild, or any Brother or Sister of any Seaman in whose Favour an Allotment Note of Part of the Wages of such Seaman is made, may, unless the Seaman is shown in manner herein-after mentioned to have forfeited or ceased to be entitled to the Wages out of which the Allotment is to be paid, and subject, as to the Wife, to the Provision herein-after contained, sue for and recover the Sums allotted by the Note when and as the same are made payable, with Costs, from the Owner or any Agent who has authorized the drawing of the Note, either in the County Court or in the summary Manner in which Seamen are by this Act enabled to sue for and recover Wages not exceeding Fifty Pounds; and in any such Proceeding it shall be sufficient for the Claimant to prove that he or she is the Person mentioned in the Note, and that the Note was given by the Owner or by the Master or some other authorized Agent; and the Seaman shall be presumed to be duly earning his Wages, unless the contrary is shown to the Satisfaction of the Court, either by the official Statement of the Change in the Crew caused by his Absence made and signed by the Master, as by this Act is required, or by a duly certified Copy of some Entry in the official Log Book to the Effect that he has left the Ship, or by a credible Letter from the Master of the Ship to the same Effect, or by such other Evidence, of whatever Descrip-

tion, as the Court in its absolute Discretion considers sufficient to show satisfactorily that the Seaman has ceased to be entitled to the Wages out of which the Allotment is to be paid: Provided that the Wife of any Seaman who deserts her Children, or so misconducts herself as to be undeserving of Support from her Husband, shall thereupon forfeit all Right to further Payments of any Allotment of his Wages which has been made in her Favour. *Allotment of Wages.*

Discharge and Payment of Wages.

Discharge and Payment of Wages.

170. In the Case of all *British* Foreign-going Ships, in whatever Part of Her Majesty's Dominions the same are registered, all Seamen discharged in the United Kingdom shall be discharged and receive their Wages in the Presence of a Shipping Master duly appointed under this Act, except in Cases where some competent Court otherwise directs; and any Master or Owner of any such Ship who discharges any Seaman belonging thereto, or, except as aforesaid, pays his Wages within the United Kingdom in any other Manner, shall incur a Penalty not exceeding Ten Pounds; and in the Case of Home Trade Ships Seamen may, if the Owner or Master so desires, be discharged and receive their Wages in like Manner. Discharge from Foreign-going Ships to be made before Shipping Master.

171. Every Master shall not less than Twenty-four Hours before paying off or discharging any Seaman, deliver to him, or, if he is to be discharged before a Shipping Master, to such Shipping Master, a full and true Account in a Form sanctioned by the Board of Trade of his Wages and of all Deductions to be made therefrom on any Account whatever, and in default shall for each Offence incur a Penalty not exceeding Five Pounds; and no Deduction from the Wages of any Seaman (except in respect of any Matter happening after such Delivery) shall be allowed unless it is included in the Account so delivered; and the Master shall during the Voyage enter the various Matters in respect of which such Deductions are made, with the amounts of the respective de- Master to deliver Account of Wages.

Discharge and Payment of Wages.

ductions, as they occur, in a Book to be kept for that Purpose, and shall, if required, produce such Book at the Time of the Payment of Wages, and also upon the Hearing before any competent Authority of any Complaint or Question relating to such Payments.

On Discharge, Masters to give Seamen Certificates of Discharge, and return Certificates of Competency or Service to Mates.

172. Upon the Discharge of any Seaman, or upon Payment of his Wages, the Master shall sign and give him a Certificate of his Discharge, in a Form sanctioned by the Board of Trade, specifying the Period of his Service and the Time and Place of his Discharge; and if any Master fails to sign and give to any such Seaman such Certificate of Discharge he shall for each such Offence incur a Penalty not exceeding Ten Pounds; and the Master shall also, upon the Discharge of every Certificated Mate whose Certificate of Competency or Service has been delivered to and retained by him, return such Certificate, and shall in default incur a Penalty not exceeding Twenty Pounds.

Shipping Master may decide Questions which Parties refer to him.

173. Every Shipping Master shall hear and decide any Question whatever between a Master or Owner and any of his Crew which both Parties agree in Writing to submit to him; and every Award so made by him shall be binding on both Parties, and shall in any legal Proceeding which may be taken in the Matter before any Court of Justice be deemed to be conclusive as to the Rights of the Parties; and no such Submission or Award shall require a Stamp; and any Document purporting to be such Submission or Award shall be *primâ facie* Evidence thereof.

Master and others to produce Ship's Papers to Shipping Masters, and give Evidence.

174. In any Proceeding relating to the Wages, Claims, or Discharge of any Seaman carried on before any Shipping Master under the Provisions of this Act, such Shipping Master may call upon the Owner or his Agent, or upon the Master or any Mate or other Member of the Crew, to produce any Log Books, Papers, or other Documents in their respective Possession or Power relating to any Matter in question in such Proceeding, and may call before him and examine any of such persons being then at or near the Place on any such Matter; and every Owner, Agent, Master, Mate, or other Member of the Crew who when called upon by the

Discharge and Payment of Wages.

Shipping Master does not produce any such Paper or Document as aforesaid, if in his Possession or Power, or does not appear and give Evidence, shall unless he shows some reasonable Excuse for such Default, for each such Offence incur a Penalty not exceeding Five Pounds.

Settlement of Wages.

175. The following Rules shall be observed with respect to the Settlement of Wages; (that is to say,)

Release to be signed before and attested by the Shipping Master;

(1.) Upon the Completion before a Shipping Master of any Discharge and Settlement, the Master or Owner and each Seaman shall respectively in the Presence of the Shipping Master sign in a Form sanctioned by the Board of Trade a mutual Release of all claims in respect of the past Voyage or Engagement, and the Shipping Master shall also sign and attest it, and shall retain and transmit it as herein directed.

To be Discharge;

(2.) Such Release so signed and attested shall operate as a mutual Discharge and Settlement of all Demands between the Parties thereto in respect of the past Voyage or Engagement.

and to be Evidence.

(3.) A Copy of such Release certified under the Hand of such Shipping Master to be a true Copy shall be given by him to any Party thereto requiring the same; and such Copy shall be receivable in Evidence upon any future Question touching such claims as aforesaid, and shall have all the Effect of the Original of which it purports to be a Copy:

No other Receipt to be a Discharge.

(4.) In cases in which Discharge and Settlement before a Shipping Master are hereby required, no Payment, Receipt, Settlement, or Discharge otherwise made shall operate or be admitted as Evidence of the Release or Satisfaction of any Claim:

Voucher to be given to Master, and to be Evidence.

(5.) Upon any Payment being made by a Master before a Shipping Master, the Shipping Master shall, if required, sign and give to such Master a Statement of the whole Amount so paid; and such Statement shall as between the Master and his Employer be received as Evidence that he has made the Payments therein mentioned.

Discharge and Payment of Wages.

Master to make Reports of Character.

176. Upon every Discharge effected before a Shipping Master the Master shall make and sign in a Form sanctioned by the Board of Trade a Report of the Conduct, Character, and Qualifications of the Persons discharged, or may state in a Column to be left for that Purpose in the said Form that he declines to give any Opinion upon such Particulars or upon any of them; and the Shipping Master shall transmit the same to the Registrar General of Seamen, or to such other Person as the Board of Trade directs, to be recorded, and shall, if desired so to do by any Seaman, give to him or indorse on his Certificate of Discharge a Copy of so much of such Report as concerns him; and every Person who makes, assists in making, or procures to be made any false Certificate or Report of the Service, Qualifications, Conduct, or Character of any Seaman, knowing the same to be false, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such Certificate or Report, or who fraudulently makes use of any Certificate or Report or of any Copy of any Certificate or Report which is forged or altered or does not belong to him, shall for each such Offence be deemed guilty of a Misdemeanor.

Remittance of Wages and Savings Banks for Seamen.

Remittance of Wages and Savings Banks for Seamen.

Facilities may be given for remitting Seamen's Wages.

177. Facilities shall, if the Board of Trade so directs, be given for remitting the Wages and other Monies of Seamen and Apprentices to their Relatives or other Persons by means of Money Orders issued by Shipping Masters; and the Board of Trade may make Regulations concerning such Orders, and the persons by or to whom, and the Mode and Time in and at which, the same are to be paid, and may from Time to Time repeal or alter any such Regulations; and all such Regulations, so long as they are in force, shall be binding upon all Persons interested or claiming to be interested in such Orders, as well as upon the Officers employed in issuing or paying the same; and no legal Proceeding shall be instituted against

the Board of Trade, or against any Shipping Master or other public Officer employed about such Orders, on account of any such Regulations, or on account of any Act done or left undone in pursuance thereof, or on account of any Refusal, Neglect, or Omission to pay any such Money Order, unless such Refusal, Neglect, or Omission arise from Fraud or wilful Misbehaviour on the Part of the Person against whom Proceedings are instituted.

Remittance of Wages and Savings Banks for Seamen.

178. The Board of Trade may, in any Case in which it thinks fit so to do, cause the Amount of any such Money Order as aforesaid to be paid to the Person to whom or in whose Favour the same may have been granted, or to his personal Representatives, Legatees, or next of Kin, notwithstanding that such Order may not be in his or their Possession; and in all such Cases from and after such Payment the Board of Trade and every Shipping Master or other Officer of the Board of Trade shall be freed from all Liability in respect of such Order.

Power to pay when Order is lost.

179. Every Shipping Master or other public Officer who grants or issues any Money Order with a fraudulent Intent shall in *England* or *Ireland* be deemed guilty of Felony, and in *Scotland* of a high Crime and Offence, and shall be liable to be kept in Penal Servitude for a Term not exceeding Four Years.

Penalty for issuing Money Orders with fraudulent Intent.

180. The Commissioners for the Reduction of the National Debt, or the Comptroller General acting under them, may, on the Application and Recommendation of the Board of Trade, establish Savings Banks at such Ports and Places within the United Kingdom, either in the Shipping Offices established in such Ports or elsewhere, as may appear to be expedient, and may appoint Treasurers to receive from or on account of Seamen, or the Wives and Families of Seamen, desirous to become Depositors in such Savings Banks Deposits to an Amount not exceeding One hundred and fifty Pounds in the whole in respect of any One Account, under such Regulations as may be prescribed by the said Commissioner or Comptroller General; and such Regulations shall be binding on all such Treasurers and Depositors; and the said Commissioners may

Savings Banks for Seamen may be established.

Remittance of Wages and Savings Banks for Seamen.

remove such Treasurers, and appoint others in their Place; and all the Provisions of the Acts now in force relating to Savings Banks, except so far as relates to the annual Amount of Deposit, shall apply to all Savings Banks which may be established under the Authority of this Act, and to such Treasurers and Depositors as aforesaid.

Legal Rights to Wages.

Legal Rights to Wages.

Rights to Wages and Provisions, when to begin.

181. A Seaman's Right to Wages and Provisions shall be taken to commence either at the Time at which he commences Work or at the Time specified in the Agreement for his Commencement of Work or Presence on board, whichever first happens.

Seamen not to give up certain Rights.

182. No Seaman shall by any Agreement forfeit his Lien upon the Ship, or be deprived of any Remedy for the Recovery of his Wages to which he would otherwise have been entitled; and every Stipulation in any Agreement inconsistent with any Provision of this Act, and every Stipulation by which any Seaman consents to abandon his Right to Wages in the Case of the Loss of the Ship, or to abandon any Right which he may have or obtain in the Nature of Salvage, shall be wholly inoperative.

Wages not to be dependent on the earning of Freight.

183. No Right to Wages shall be dependent on the earning of Freight; and every Seaman and Apprentice who would be entitled to demand and recover any Wages if the Ship in which he has served had earned Freight, shall, subject to all other Rules of Law and Conditions applicable to the Case, be entitled to claim and recover the same, notwithstanding that Freight has not been earned; but in all Cases of Wreck or Loss of the Ship, Proof that he has not exerted himself to the utmost to save the Ship, Cargo, and Stores shall bar his Claim.

In case of Death, such Wages to be paid as after mentioned.

184. If any Seaman or Apprentice to whom Wages are due under the last preceding Enactment dies before the same are paid, they shall be paid and applied in the Manner herein-after specified with regard to the Wages of Seamen who die during a Voyage.

185. In cases where the Service of any Seaman terminates before the Period contemplated in the Agreement by reason of the Wreck or Loss of the Ship, and also in Cases where such Service terminates before such Period as aforesaid by reason of his being left on shore at any Place abroad under a Certificate of his Unfitness or Inability to proceed on the Voyage granted as herein-after mentioned, such Seaman shall be entitled to Wages for the Time of Service prior to such Termination as aforesaid, but not for any further Period.

Legal Rights to Wages.

Rights to Wages in case of Termination of Service by Wreck or Illness.

186. No Seaman or Apprentice shall be entitled to Wages for any Period during which he unlawfully refuses or neglects to work when required, whether before or after the Time fixed by the Agreement for his beginning Work, nor, unless the Court hearing the Case otherwise directs, for any Period during which he is lawfully imprisoned for any Offence committed by him.

Wages not to accrue during Refusal to work or Imprisonment.

187. The Master or Owner of every Ship shall pay to every Seaman his Wages within the respective Periods following; (that is to say), in the Case of a Home Trade Ship within Two Days after the Termination of the Agreement or at the Time when such Seaman is discharged, whichever first happens; and in the Case of all other Ships (except Ships employed in the Southern Whale Fishery or on other Voyages for which Seamen by the Terms of their Agreement are wholly compensated by Shares in the Profits of the Adventure) within Three Days after the Cargo has been delivered, or within Five Days after the Seaman's Discharge, whichever first happens; and in all Cases the Seaman shall at the Time of his Discharge be entitled to be paid on account a Sum equal to One Fourth Part of the Balance due to him; and every Master or Owner who neglects or refuses to make Payment in manner aforesaid, without sufficient Cause, shall pay to the Seaman a Sum not exceeding the Amount of Two Days' Pay for each of the Days, not exceeding Ten Days, during which Payment is delayed beyond the respective Periods aforesaid, and such Sum shall be recoverable as Wages.

Period within which Wages are to be paid.

Mode of recovering Wages.

Mode of recovering Wages.

Seamen may sue for Wages in a summary Manner.

188. Any Seaman or Apprentice, or any Person duly authorized on his Behalf, may sue in a summary Manner before any Two Justices of the Peace acting in or near to the Place at which the Service has terminated, or at which the Seaman or Apprentice has been discharged, or at which any Person upon whom the Claim is made is or resides, or in *Scotland* either before any such Justices or before the Sheriff of the County within which any such Place is situated, for any Amount of Wages due to such Seaman or Apprentice not exceeding Fifty Pounds over and above the Costs of any Proceeding for the Recovery thereof, so soon as the same becomes payable; and every Order made by such Justices or Sheriff in the Matter shall be final.

Restrictions on Suits for Wages in Superior Courts.

189. No Suit or Proceeding for the Recovery of Wages under the Sum of Fifty Pounds shall be instituted by or on behalf of any Seaman or Apprentice in any Court of Admiralty or Vice-Admiralty, or in the Court of Session in *Scotland*, or in any Superior Court of Record in Her Majesty's Dominions, unless the Owner of the Ship is adjudged bankrupt or declared insolvent, or unless the Ship is under Arrest or is sold by the Authority of any such Court as aforesaid, or unless any Justices acting under the Authority of this Act refer the Case to be adjudged by such Court, or unless neither the Owner nor Master is or resides within Twenty Miles of the Place where the Seaman or Apprentice is discharged or put ashore.

No Seaman to sue for Wages abroad, except in Cases of Discharge or of Danger to Life.

190. No Seaman who is engaged for a Voyage or Engagement which is to terminate in the United Kingdom shall be entitled to sue in any Court abroad for Wages, unless he is discharged with such Sanction as herein required and with the written Consent of the Master, or proves such Ill-usage on the Part of the Master or by his Authority as to warrant reasonable Apprehension of Danger to the Life of such Seaman if he were to remain on board; but if any Seaman on his Return to the United Kingdom proves that the Master or Owner has been guilty of any Conduct or Default which

but for this Enactment would have entitled the Seaman to sue for Wages before the Termination of the Voyage or Engagement, he shall be entitled to recover in addition to his Wages such Compensation not exceeding twenty Pounds as the Court hearing the Case thinks reasonable.

Mode of recovering Wages.

191. Every Master of a Ship shall, so far as the Case permits, have the same Rights, Liens, and Remedies for the Recovery of his Wages which by this Act or by any Law or Custom any Seaman, not being a Master, has for the Recovery of his Wages; and if in any Proceeding in any Court of Admiralty or Vice-Admiralty touching the Claim of a Master to Wages any Right of Set-off or Counter-claim is set up, it shall be lawful for such Court to enter into and adjudicate upon all Questions and to settle all Accounts then arising or outstanding and unsettled between the Parties to the Proceeding, and to direct Payment of any Balance which is found to be due.

Master to have same Remedies for Wages as Seamen.

Relief to Seamen's Families out of Poor Rates.

Relief to Seamen's Families out of Poor Rates.

192. Whenever during the absence of any Seaman on a Voyage his Wife, Children and Step-children, or any of them, become or becomes chargeable to any Union or Parish in the United Kingdom, such Union or Parish shall be entitled to be reimbursed out of the Wages of such Seaman earned during such Voyage any Sums properly expended during his Absence in the Maintenance of his said Relations, or any of them, so that such Sums do not exceed the following Proportions of his said Wages; (that is to say,)

Relief to Seamen's Families to be chargeable on a certain Proportion of their Wages.

(1.) If only One of such Relations is chargeable, One Half of such Wages:

(2.) If Two or more of such Relations are chargeable, Two Thirds of such Wages:

But if during the Absence of the Seaman any Sums have been paid by the Owner to or on behalf of any such Relation as afore-

Relief to Seamen's Families out of Poor Rates.

said, under an Allotment Note given by the Seaman in his, her, or their Favour, any such Claim for Reimbursement as aforesaid shall be limited to the Excess (if any) of the Proportion of the Wages herein-before mentioned over the Sums so paid.

Notice to be given to Owner, and Charge to be enforced on the Return of the Seaman.

193. For the Purpose of obtaining such Reimbursement as aforesaid, the Guardians of the Union or Parish, where the Relief of the Poor is administered by Guardians, and the Overseers of the Poor of any other Parish in *England*, and the Guardians or other Persons having the Authority of Guardians in any Union in *Ireland*, and the Inspector of the Poor in *Scotland*, may give to the Owner of the Ship in which the Seaman is serving a Notice in Writing stating the Proportion of the Seaman's Wages upon which it is intended to make the Claim, and requiring the Owner to retain such Proportion in his Hands for a Period to be therein mentioned, not exceeding Twenty-one Days from the Time of the Seaman's Return to his Port of Discharge, and also requiring such Owner immediately on such Return to give to such Guardians, Overseers, Persons, or Inspector Notice in Writing of such Return; and such Owner, after receiving such Notice as aforesaid, shall be bound to retain the said Proportion of Wages, and to give Notice of the Seaman's Return accordingly, and shall likewise give to the Seaman Notice of the intended Claim; and the said Guardians, Overseers, Persons, or Inspector may upon the Seaman's Return apply in a summary Way in *England* or *Ireland* to any Two Justices having Jurisdiction in such Union or Parish as aforesaid, and in *Scotland* to the Sheriff of the County, for an Order for such Reimbursement as aforesaid; and such Justices or Sheriff may hear the Case, and make an Order for such Reimbursement to the whole Extent aforesaid, or to such lesser Amount as they or he may under the Circumstances think fit; and the Owner shall pay to such Guardians, Overseers, Persons, or Inspector, out of the Seaman's Wages, the Amount so ordered to be paid by way of Reimbursement, and shall pay the Remainder of the said Wages to the Seaman; and if no such Order as

aforesaid is obtained within the Period mentioned in the Notice so to be given to the Owner as aforesaid, the Proportion of Wages so to be retained by him as aforesaid shall immediately on the Expiration of such Period, and without Deduction, be payable to the Seaman.

Relief to Seaman's Families out of Poor Rates.

Wages and Effects of deceased Seamen.

Wages and Effects of deceased Seamen.

194. Whenever any Seaman or Apprentice belonging to or sent home in any *British* Ship, whether a Foreign-going Ship or a Home Trade Ship, employed on a Voyage which is to terminate in the United Kingdom, dies during such Voyage, the Master shall take charge of all Money, Clothes, and Effects which he leaves on board, and shall, if he thinks fit, cause all or any of the said Clothes and Effects to be sold by Auction at the Mast or other Public Auction, and shall thereupon sign an Entry in the official Log Book containing the following Particulars; (that is to say,)

Masters to take charge of or sell Effects of deceased Seamen which are on board, and enter the same and Wages due in the official Log.

(1.) A Statement of the Amount of the Money and a Description of the Effects so left by the Deceased:

(2.) In case of a Sale, a Description of each Article sold, and the Sum received for each:

(3.) A Statement of the Sum due to the Deceased as Wages, and the total Amount of the Deductions (if any) to be made therefrom:

And shall cause such Entry to be attested by a Mate and by One of the Crew.

195. In the Cases provided for by the last preceding Section, the following Rules shall be observed; (that is to say,)

Such Effects and Wages to be paid either to Consul or to Shipping Master, with full Accounts.

(1.) If the Ship proceeds at once to any Port in the United Kingdom without touching on the Way at any Foreign Port, the Master shall within Forty-eight Hours after his Arrival deliver any such Effects as aforesaid remaining unsold, and pay any Money which he has taken charge of or received

Wages and Effects of deceased Seamen.

from such Sale as aforesaid, and also the Balance of Wages due to the Deceased, to the Shipping Master at the Port of Destination in the United Kingdom:

(2.) If the Ship touches and remains for Forty-eight Hours at some Foreign Port or at some Port in Her Majesty's Dominions abroad before coming to any Port in the United Kingdom, the Master shall report the Case to the *British* Consular Officer or Officer of Customs there, as the Case may be, and shall give to such Officer any Information he requires as to the Destination of the Ship and probable Length of the Voyage; and such Officer may thereupon, if he considers it expedient so to do, require the said Effects, Money, and Wages to be delivered and paid to him, and shall upon such Delivery and Payment give to the Master a Receipt, and the Master shall within Forty-eight Hours after his Arrival at his Port of Destination in the United Kingdom produce the same to the Shipping Master there; and such Consular Officer or Officer of Customs shall in such Case indorse and certify upon the Agreement with the Crew such Particulars with respect to such Delivery and Payment as the Board of Trade requires:

(3.) If such Officer as aforesaid does not require such Payment and Delivery to be made to him, the Master shall take charge of the said Effects, Money, and Wages, and shall within Forty-eight Hours after his Arrival at his Port of Destination in the United Kingdom deliver and pay the same to the Shipping Master there:

(4.) The Master shall in all Cases in which any Seaman or Apprentice dies during the Progress of a Voyage or Engagement give to the Board of Trade, or to such Officer or Shipping Master as aforesaid, an Account in such Form as they respectively require of the Effects, Money, and Wages so to be delivered and paid; and no Deductions claimed in such Account shall be allowed unless verified, if there is any official

Log Book, by such Entry therein as herein-before required, and also by such other Vouchers (if any) as may be reasonably required by the Board of Trade, or by the Officer or Shipping Master to whom the Account is rendered:

Wages and Effects of deceased Seamen.

(5.) Upon due Compliance with such of the Provisions of the Section as relate to Acts to be done at the Port of Destination in the United Kingdom, the Shipping Master shall grant to the Master a Certificate to that Effect, and no Officer of Customs shall clear Inwards any Foreign-going Ship without the Production of such Certificate.

Penalties for not taking charge of, remitting, or accounting for such Monies and Effects.

196. If any Master fails to take such Charge of the Money or other Effects of a Seaman or Apprentice dying during a Voyage, or to make such Entries in respect thereof, or to procure such Attestation to such Entries, or to make such Payment or Delivery of any Money, Wages, or Effects of any Seaman or Apprentice dying during a Voyage, or to give such Account in respect thereof as herein-before respectively directed, he shall be accountable for the Money, Wages, and Effects of the Seaman or Apprentice to the Board of Trade, and shall pay and deliver the same accordingly; and such Master shall in addition for every such Offence incur a Penalty not exceeding treble the Value of the Money or Effects not accounted for, or, if such Value is not ascertained, not exceeding Fifty Pounds; and if any such Money, Wages, or Effects are not duly paid, delivered, or accounted for by the Master, the Owner of the Ship shall pay, deliver, and account for the same, and such Money and Wages and the Value of such Effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his Liability for the said Money and Value, incur the same Penalty which is herein-before mentioned as incurred by the Master for the like Offence; and all Money, Wages, and Effects of any Seaman or Apprentice dying during a Voyage shall be recoverable in the same Courts and by the same Modes of proceeding by which Seamen are hereby enabled to recover Wages due to them.

Wages and Effects of deceased Seamen

Officers of Customs and Consuls to take charge of Effects left by Seamen abroad, and to remit the same and their Wages to Board of Trade.

197. If any such Seaman or Apprentice as last aforesaid dies abroad at any Place either in or out of Her Majesty's Dominions leaving any Money or Effects not on board his Ship, the Chief Officer of Customs or the *British* Consular Officer at or nearest to the Place, as the Case may be, shall claim and take charge of such Money and Effects; and such Officer shall, if he thinks fit, sell all or any of such Effects, or any Effects of any deceased Seaman or Apprentice delivered to him under the Provisions herein-before contained; and every such Officer shall, quarterly or at such other Times as the Board of Trade directs, remit to Her Majesty's Paymaster General all Monies belonging to or arising from the Sale of the Effects of or paid as the Wages of any deceased Seamen or Apprentices which have come to his Hands under the Provisions herein-before contained, and shall render such Accounts in respect thereof as the Board of Trade requires.

Wages and Effects of Seamen dying at home to be paid in certain Cases to Board of Trade.

198. Whenever any Seaman or Apprentice dies in the United Kingdom, and is at the Time of his Death entitled to claim from the Master or Owner of any Ship in which he has served any unpaid Wages or Effects, such Master or Owner shall pay and deliver or account for the same to the Shipping Master at the Port where the Seaman or Apprentice was discharged or was to have been discharged, or to the Board of Trade, or as it directs.

If less than 50*l.* Wages and Property of deceased Seamen may be paid over without Probate or Administration to the Persons entitled.

199. If the Money and Effects of any deceased Seaman or Apprentice paid, delivered, or remitted to the Board of Trade or its Agents, including the Monies received for any Part of the said Effects which have been sold either before Delivery to the Board of Trade or by its Direction, do not exceed in Value the Sum of Fifty Pounds, then, subject to the Provisions herein-after contained, and to all such Deductions for Expenses incurred in respect of the Seaman or Apprentice or of his said Money and Effects as the said Board thinks proper to allow, the said Board may, if it thinks fit so to do, pay and deliver the said Money and Effects either to any Claimants who can prove themselves to the Satisfaction of the said Board either to be his Widow

or Children, or to be entitled to the Effects of the Deceased under his Will (if any), or under the Statutes for the Distribution of the Effects of Intestates, or under any other Statute, or at Common Law, or to be entitled to procure Probate or take out Letters of Administration or Confirmation, although no Probate or Letters of Administration or Confirmation have been taken out, and shall be thereby discharged from all further Liability in respect of the Money and Effects so paid and delivered, or may, if it thinks fit so to do, require Probate or Letters of Administration or Confirmation to be taken out, and thereupon pay and deliver the said Money and Effects to the legal personal Representatives of the Deceased; and all Claimants to whom such Money or Effects are so paid or delivered shall apply the same in due course of Administration; and if such Money and Effects exceed in Value the Sum of Fifty Pounds, then, subject to the Provisions herein-after contained and to Deduction for Expenses, the Board of Trade shall pay and deliver the same to the legal personal Representatives of the Deceased.

Wages and Effects of deceased Seamen.

Mode of Payment under Wills made by Seamen.

200. In Cases where the deceased Seaman or Apprentice has left a Will, the Board of Trade shall have the following Powers; (that is to say,)

(1.) It may in its Discretion refuse to pay or deliver any such Wages or Effects as aforesaid to any Person claiming to be entitled thereto under a Will made on board Ship unless such Will is in Writing, and is signed or acknowledged by the Testator in the Presence of the Master or First or Only Mate of the Ship, and is attested by such Master or Mate:

(2.) It may in its Discretion refuse to pay or deliver any such Wages or Effects as aforesaid to any Person not being related to the Testator by Blood or Marriage who claims to be entitled thereto under a Will made elsewhere than on board Ship, unless such Will is in Writing, and is signed or acknowledged by the Testator in the Presence of Two Witnesses, One of whom is some Shipping Master appointed under this Act, or some

Wages and Effects of deceased Seamen.

Minister of Officiating Minister or Curate of the Place in which the same is made, or, in a Place where there are no such Persons, some Justice of the Peace, or some *British* Consular Officer, or some Officer of Customs, and is attested by such Witnesses :

Whenever any Claim made under a Will is rejected by the Board of Trade on account of the said Will not being made and attested as herein-before required, the Wages and Effects of the Deceased shall be dealt with as if no Will had been made.

Provision for Payment of just Claims by Creditors, and for preventing fraudulent Claims.

201. The following Rules shall be observed with respect to Creditors of deceased Seamen and Apprentices ; (that is to say,)

(1.) No such Creditor shall be entitled to claim from the Board of Trade the Wages or Effects of any such Seamen or Apprentice or any Part thereof by virtue of Letters of Administration taken out by him, or by virtue of Confirmation in *Scotland* as Executor Creditor :

(2.) No such Creditor shall be entitled by any Means whatever to Payment of his Debt out of such Wages and Effects, if the Debt accrued more than Three Years before the Death of the Deceased, or if the Demand is not made within Two Years after such Death :

(3.) Subject as aforesaid, the Steps to be taken for procuring Payment of such Debt shall be as follows : (that is to say) : Every Person making a Demand as Creditor shall deliver to the Board of Trade an Account in Writing in such Form as it requires, subscribed with his Name, stating the Particulars of his Demand and the Place of his Abode, and verified by his Declaration made before a Justice :

(4.) If before such Demand is made any Claim to the Wages and Effects of the deceased made by any Person interested therein as his Widow or Child, or under a Will or under the Statutes for the Distribution of the Effects of Intestates, or under any other Statute, or at Common Law, has been allowed, the Board of Trade shall give Notice to the Creditor of

the Allowance of such Person's Claim, and the Creditor shall thereupon have the same Rights and Remedies against such Person as if he or she had received the said Wages and Effects as the legal personal Representative of the Deceased: *Wages and Effects of deceased Seamen.*

(5.) If no Claim by any such Person has been allowed, the Board of Trade shall proceed to investigate the Creditor's Account, and may for that Purpose require him to prove the same, and to produce all Books, Accounts, Vouchers, and Papers relating thereto; and if by such Means the Creditor duly satisfies the Board of Trade of the Justice of the Demand, either in the whole or in part, the same shall be allowed and paid accordingly, so far as the Assets in the Hands of the Board of Trade will extend for that Purpose, and such Payment shall discharge the Board of Trade from all further Liability in respect of the Money so paid; but if such Board is not so satisfied, or if such Books, Accounts, Vouchers, or Papers as aforesaid are not produced, and no sufficient Reason is assigned for not producing them, the Demand shall be disallowed:

(6.) In any Case whatever the Board of Trade may delay the Investigation of any Demand made by a Creditor for the Payment of his Debt for One Year from the Time of the first Delivery of the Demand; and if in the course of that Time a Claim to the Wages and Effects of the Deceased is made and substantiated as herein-before required by any Person interested therein as a Widow or Child, or under a Will, or under the Statutes for the Distribution of the Effects of Intestates, or under any other Statute, or at Common Law, the Board of Trade may pay and deliver the same to such Person; and thereupon the Creditor shall have the same Rights and Remedies against such Person as if he or she had received the same as the legal personal Representative of the Deceased.

202. In Cases of Wages or Effects of deceased Seamen or Apprentices received by the Board of Trade, to which no Claim is substantiated within Six Years after the Receipt thereof by such Mode of dealing with unclaimed Wages of

Wages and Effects of deceased Seamen.

deceased Seamen.

Board, it shall be in the absolute Discretion of such Board, if any subsequent Claim is made, either to allow or to refuse the same; and, subject to the Provision herein-after contained, the Board of Trade shall from Time to Time pay any Monies arising from the unclaimed Wages and Effects of deceased Seamen, which in the Opinion of such Board it is not necessary to retain for the Purpose of satisfying Claims, into the Receipt of Her Majesty's Exchequer in such Manner as the Treasury directs, and such Monies shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Punishment for Forgery and false Representations in order to obtain Wages and Property of deceased Seamen.

203. Every Person who, for the Purpose of obtaining, either for himself or for another, any Money or Effects of any deceased Seaman or Apprentice, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Document purporting to show or assist in showing a Right to such Wages or Effects, and every Person who for the Purpose aforesaid makes use of any such forged or altered Document as aforesaid, or who for the Purpose aforesaid gives or makes or procures to be given or made, or assists in giving or making or procuring to be given or made, any false Evidence or Representation, knowing the same to be false, shall be punishable with Penal Servitude for a Term not exceeding Four Years, or with Imprisonment with or without Hard Labour for any period not exceeding Two Years, or if summarily prosecuted and convicted, by Imprisonment, with or without Hard Labour, for any Period not exceeding Six Months.

Effects of Seamen discharged from Navy to be disposed of by Accountant General of Navy.

204. In the Case of Seamen invalided or discharged from any of Her Majesty's Ships, and sent home in Merchant Ships, any Monies or Effects belonging to them which are paid, remitted, or delivered to the Board of Trade, or its Agents, under the Provisions herein-before contained, shall be paid over and disposed of in such Manner as the Accountant General of Her Majesty's Navy directs.

Leaving Seamen abroad.

Leaving Seamen abroad.

On Discharge of Seamen abroad, by Sale of Ship or otherwise, Certificates of Discharge to be given and Seamen to be sent home at Expense of Owner.

205. Whenever any *British* Ship is transferred or disposed of at any Place out of Her Majesty's Dominions, and any Seaman or Apprentice belonging thereto does not in the Presence of some *British* Consular Officer, or, if there is no such Consular Officer there, in the presence of One or more respectable *British* Merchants residing at the Place, and not interested in the said Ship, signify his Consent in Writing to complete the Voyage if continued, and whenever the Service of any Seaman or Apprentice belonging to any *British* Ship terminates at any Place out of Her Majesty's Dominions, the Master shall give to each such Seaman or Apprentice a Certificate of Discharge in the Form sanctioned by the Board of Trade as aforesaid, and in the Case of any Certificated Mate whose Certificate he has retained shall return such Certificate to him, and shall also, besides paying the Wages to which such Seaman or Apprentice is entitled, either provide him with adequate Employment on board some other *British* Ship bound to the Port in Her Majesty's Dominions at which he was originally shipped, or to such other Port in the United Kingdom as is agreed upon by him, or furnish the Means of sending him back to such Port, or provide him with a Passage Home, or deposit with such Consular Officer or such Merchant or Merchants as aforesaid such a Sum of Money as is by such Officer or Merchants deemed sufficient to defray the expenses of his Subsistence and Passage Home; and such Consular Officer or Merchants shall indorse upon the Agreement of the Ship which the Seaman or Apprentice is leaving the particulars of such Payment, Provision, or Deposit; and if the Master refuses or neglects to comply with the Requirements of this Section, such Expenses as last aforesaid, if defrayed by such Consular Officer or by any other Person, shall, unless such Seaman or Apprentice has been guilty of Barratry, be a Charge upon the Ship to which such Seaman or Apprentice belonged and upon the Owner for the Time being thereof, and may be recovered against such Owners, with

Leaving Seamen abroad.

Costs, at the Suit of the Consular Officer or other Person defraying such Expenses, or, in case the same has been allowed to the Consular Officer out of the Public Monies, as a Debt due to Her Majesty either by ordinary Process of Law, or in the Manner in which Seamen are hereby enabled to recover Wages; and such Expenses, if defrayed by the Seaman or Apprentice, shall be recoverable as Wages due to him.

Forcing Seamen on shore a Misdemeanor.

206. If the Master or any other Person belonging to any *British* Ship wrongfully forces on shore and leaves behind, or otherwise wilfully and wrongfully leaves behind, in any Place, on shore or at Sea, in or out of Her Majesty's Dominions, any Seaman or Apprentice belonging to such Ship before the Completion of the Voyage for which such Person was engaged or the Return of the Ship to the United Kingdom, he shall for each such Offence be deemed guilty of a Misdemeanor.

No Seamen to be discharged or left abroad without Certificate of some Functionary.

207. If the Master of any *British* Ship does any of the following Things; (that is to say,)

(1.) Discharges any Seaman or Apprentice in any Place situate in any *British* Possession abroad (except the Possession in which he was shipped), without previously obtaining the Sanction in Writing indorsed on the Agreement of some public Shipping Master or other Officer duly appointed by the local Government in that Behalf, on (in the Absence of any such Functionary) of the chief Officer of Customs resident at or near the Place where the Discharge takes place;

(2.) Discharges any Seaman or Apprentice at any Place out of Her Majesty's Dominions without previously obtaining the Sanction so indorsed as aforesaid of the *British* Consular Officer there, or (in his Absence) of Two respectable Merchants resident there;

(3.) Leaves behind any Seaman or Apprentice at any Place situate in any *British* Possession abroad on any Ground whatever, without previously obtaining a Certificate in Writing so

indorsed as aforesaid from such Officer or Person as aforesaid, stating the Fact and the Cause therefore, whether such Cause be Unfitness or Inability to proceed to Sea, or Desertion or Disappearance; *Leaving Seamen abroad.*

(4.) Leaves behind any Seaman or Apprentice at any Place out of Her Majesty's Dominions, on shore or at Sea, on any Ground whatever, without previously obtaining the Certificate indorsed in manner and to the Effect last aforesaid of the *British* Consular Officer there, or (in his Absence) of Two respectable Merchants, if there is any such at or near the Place where the Ship then is:

He shall for each such Default be deemed guilty of a Misdemeanor; and the said Functionaries shall and the said Merchants may examine into the Grounds of such proposed Discharge, or into the Allegation of such Unfitness, Inability, Desertion, or Disappearance as aforesaid, in a summary Way, and may for that Purpose, if they think fit so to do, administer Oaths, and may either grant or refuse such Sanction or Certificate as appears to them to be just.

Proof of such Certificate to be upon the Master.

208. Upon the Trial of any Information, Indictment, or other Proceeding against any Person for discharging or leaving behind any Seaman or Apprentice, contrary to the Provisions of this Act, it shall lie upon such Person either to produce the Sanction or Certificate hereby required, or to prove that he had obtained the same previously to having discharged or left behind such Seaman or Apprentice, or that it was impracticable for him to obtain such Sanction or Certificate.

Wages to be paid when Seamen are left behind on Ground of Inability.

209. Every Master of any *British* Ship who leaves any Seaman or Apprentice on shore at any Place abroad in or out of Her Majesty's Dominions, under a Certificate of his Unfitness or Inability to proceed on the Voyage, shall deliver to One of the Functionaries aforesaid or (in the Absence of such Functionaries) to the Merchants by whom such Certificate is signed, or, if there be but One respectable Merchant resident at such Place, to him, a full and true Ac-

Leaving Seamen abroad.

count of the Wages due to such Seaman or Apprentice, such Account when delivered to a Consular Officer to be in Duplicate, and shall pay the same either in Money or by a Bill drawn upon the Owner; and in the Case of every Bill so drawn, such Functionary, Merchants or Merchant as aforesaid, shall by Indorsement certify thereon that the same is drawn for Money due on account of a Seaman's Wages, and shall also indorse the Amount for which such Bill is drawn, with such further Particulars in respect of the Case as the Board of Trade requires, upon the Agreement of the Ship; and every such Master as aforesaid who refuses or neglects to deliver a full Account of such Wages, and pay the Amount thereof in Money or by Bill, as herein-before required, shall for every such Offence or Default be liable, in addition to the Payment of the Wages, to a Penalty not exceeding Ten Pounds; and every such Master who delivers a false Account of such Wages shall for every such Offence, in addition to the Payment of the Wages, incur a Penalty not exceeding Twenty Pounds.

Such Wages to be treated as Money due to the Seamen, subject to Payment of Expense of their Subsistence and Passage home.

210. Every such Payment as last aforesaid, whether by Bill or in Money, shall, if made in any *British* Possession, be made to the Seaman or Apprentice himself, and, if made out of Her Majesty's Dominions, to the Consular Officer, who shall, if satisfied with the Account, indorse on One of the Duplicates thereof a Receipt for the Amount paid or Bill delivered, and shall return the same to the Master; and the Master shall, within Forty-eight Hours after his Return to his Port of Destination in the United Kingdom, deliver the same to the Shipping Master there; and the Consular Officer shall retain the other Duplicate of the said Account, and shall, if the Seaman or Apprentice subsequently obtains Employment at or otherwise quits the Port, deduct out of the Sum received by him as aforesaid any Expenses which have been incurred by him in respect of the Subsistence of the Seaman or Apprentice under the Provisions herein contained, except such as the Master or Owner of the Ship is hereby required to pay, and shall pay the Remainder to the Seaman or Apprentice, and shall also deliver to him an Ac-

count of the Sums so received and expended on his Behalf; and shall, if the Seaman or Apprentice dies before his Ship quits the Port, deal with the same in the Manner herein-after specified in that Behalf, and shall, if the Seaman or Apprentice is sent home at the public expense under the Provisions herein-contained, account for the Amount received to the Board of Trade; and such Amount shall, after deducting any expenses which have been duly incurred in respect of such Seaman or Apprentice, except such as the Master or Owner of the Ship is hereby required to pay, be dealt with as Wages to which he is entitled, and shall be paid accordingly. *Leaving Seamen abroad.*

211. The Governors, Consular Officers, and other Officers of Her Majesty in Foreign Countries shall, and in Places where there are no such Governors or Officers any Two Resident *British* Merchants may, provide for the Subsistence of all Seamen or Apprentices, being Subjects of Her Majesty, who have been shipwrecked, discharged, or left behind at any Place abroad, whether from any Ship employed in the Merchant Service or from any of Her Majesty's Ships, or who have been engaged by any Person acting either as Principal or Agent to serve in any Ship belonging to any Foreign Power or to the Subject of any Foreign State, and who are in Distress in any Place abroad, until such Time as they are able to provide them with a Passage Home, and for that Purpose shall cause such Seamen or Apprentices to be put on board some Ship belonging to any Subject of Her Majesty bound to any Port of the United Kingdom, or to the *British* Possession to which they belong, (as the Case requires,) which is in want of Men to make up its Complement, and in default of any such Ship shall provide them with a Passage Home as soon as possible in some Ship belonging to a Subject of Her Majesty so bound as aforesaid, and shall indorse on the Agreement of any Ship on board of which any Seaman or Apprentice is so taken or sent the Name of every Person so sent on board thereof, with such Particulars concerning the Case as the Board of Trade requires, and shall be allowed for the Subsistence

Distressed Seamen found abroad may be relieved and sent Home at the public Expense.

Leaving Seamen abroad.

of any such Seaman or Apprentice such Sum *per Diem* as the Board of Trade from Time to Time appoints; and the Amount due in respect of such Allowance shall be paid out of any Monies applicable to the Relief of distressed *British* Seamen, and granted by Parliament for the Purpose, on the Production of the Bills of the Disbursements, with the proper Vouchers.

Masters of British Ships compelled to take them.

212. The Master of every *British* Ship so bound as aforesaid shall receive and afford a Passage and Subsistence to all Seamen or Apprentices whom he is required to take on board his Ship under the Provisions herein-before contained, not exceeding One for every Fifty Tons Burden, and shall during the Passage provide every such Seaman or Apprentice with a proper Berth or Sleeping Place effectually protected against Sea and Weather; and on the Production of a Certificate signed by any Governor, Consular Officer, or Merchants by whose Directions any such Seaman or Apprentice was received on board, specifying the Number and Names of such Seamen or Apprentices, and the Time when each of them respectively was received on board, and on a Declaration made by such Person before a Justice, and verified by the Registrar General of Seamen, stating the number of Days during which each Seaman or Apprentice received Subsistence and was provided for as aforesaid on board his Ship, and stating also the Number of Men and Boys forming the Complement of his Crew, and the Number of Seamen and Apprentices employed on board his Ship during such Time, and every Variation (if any) of such Number, such Person shall be entitled to be paid out of the said Monies applicable to the Relief of distressed *British* Seamen, in respect of the Subsistence and Passage of every Seaman or Apprentice so conveyed, subsisted, and provided for by him exceeding the Number (if any) wanted to make up the Complement of his Crew, such Sum *per Diem* as the Board of Trade from Time to Time appoints; and if any Person having Charge of any such Ship fails or refuses to receive on board his Ship, or to give a Passage Home, or Subsistence to, or to provide for any such Seaman or Apprentice

as aforesaid, contrary to the Provisions of this Act, he shall incur a Penalty not exceeding One hundred Pounds for each Seaman or Apprentice with respect to whom he makes such Default or Refusal.

Leaving Seamen abroad.

Power to sue for the Amount advanced for the Relief of Seamen left abroad.

213. If any Seaman or Apprentice belonging to any *British* Ship is discharged or left behind at any Place out of the United Kingdom, without full Compliance on the Part of the Master with all the Provisions in that Behalf in this Act contained, and becomes distressed and is relieved under the Provisions of this Act, or if any Subject of Her Majesty, after having been engaged by any Person (whether acting as Principal or Agent) to serve in any Ship belonging to any Foreign Power, or to the Subject of any Foreign Power, becomes distressed and is relieved as aforesaid, the Wages (if any) due to such Seaman or Apprentice, and all Expenses incurred for his Subsistence, necessary Clothing, Conveyance home, and Burial, in case he should die abroad before reaching Home, shall be a Charge upon the Ship, whether *British* or Foreign, to which he so belonged as aforesaid; and the Board of Trade may in the Name of Her Majesty (besides suing for any Penalties which may have been incurred) sue for and recover the said Wages and Expenses, with Costs, either from the Master of such Ship as aforesaid, or from the Person who is Owner thereof for the Time being, or, in the Case of such Engagement as aforesaid, for Service in a Foreign Ship, from such Master or Owner, or from the Person by whom such Engagement was so made as aforesaid; and such Sums shall be recoverable either in the same Manner as other Debts due to Her Majesty, or in the same Manner and by the same Form and Process in which Wages due to the Seaman would be recoverable by him; and in any Proceedings for that Purpose Production of the Account (if any) to be furnished as herein-before is provided in such Cases, together with Proof of Payment by the Board of Trade or by the Paymaster General of the Charges incurred on account of any such Seaman, Apprentice, or other Person, shall be sufficient Evidence that he was relieved, conveyed home, or buried (as the Case may be) at Her Majesty's Expense.

Volunteering into the Navy.

Volunteering into the Navy.

Seamen allowed to leave their Ships in order to enter the Navy.

214. Any Seaman may leave his Ship for the Purpose of forthwith entering into the Naval Service of Her Majesty, and such leaving his Ship shall not be deemed a Desertion therefrom, and shall not render him liable to any Punishment or Forfeiture whatever; and all Stipulations introduced into any Agreement whereby any Seaman is declared to incur any Forfeiture or be exposed to any Loss in case he enters into Her Majesty's Naval Service shall be void, and every Master or Owner who causes any such Stipulation to be so introduced shall incur a Penalty not exceeding Twenty Pounds.

Clothes to be delivered at once.

Wages to be given to the Queen's Officer on account of the Seamen.

215. Whenever any Seaman, without having previously committed any Act amounting to and treated by the Master as Desertion, leaves his Ship in order to enter into the Naval Service of Her Majesty and is received into such Service, the Master shall deliver to him his Clothes and Effects on board such Ship, and shall pay the proportionate Amount of his Wages down to the Time of such Entry, subject to all just Deductions, as follows; (that is to say,) the Master of the said Ship shall pay the same to the Office authorized to receive such Seaman into Her Majesty's Service, either in Money or by Bill drawn upon the Owner and payble at Sight to the Order of the Accountant General of the Navy; and the Receipt of such Officer shall be a Discharge for the Money or Bill so given; and such Bill shall be exempt from Stamp Duty; and if such Wages are paid in Money, such Money shall be credited in the Muster Book of the Ship to the Account of the said Seaman; and if such Wages are paid by Bill, such Bill shall be noted in the said Muster Book and shall be sent to the said Accountant General, who shall present the same or cause the same to be presented for Payment, and shall credit the Produce thereof to the Account of the said Seaman; and such Money or Produce (as the Case may be) shall not be paid to the said Seaman until the Time at which he would have been entitled to receive the same if

he had remained in the Service of the Ship which he had so quitted as aforesaid; and if any such Bill is not duly paid when presented, the said Accountant General or the Seaman on whose Behalf the same is given may sue thereon or may recover the Wages due by all or any of the Means by which Wages due to Merchant Seamen are recoverable; and if upon any Seaman leaving his Ship in the Manner and for the Purpose aforesaid, the Master fails to deliver his Clothes and Effects, or to pay his Wages as herein-before required, he shall, in addition to his Liability to pay and deliver the same, incur a Penalty not exceeding Twenty Pounds; provided that no Officer who receives any such Bill as aforesaid shall be subject to any Liability in respect thereof, except for the safe Custody thereof until sent to the said Accountant General as aforesaid.

Volunteering into the Navy.

216. If upon any Seaman leaving his Ship for the Purpose of entering the Naval Service of Her Majesty, the Owner or Master of such Ship shows to the Satisfaction of the Admiralty that he has paid or properly rendered himself liable to pay an Advance of Wages to or on account of such Seaman, and that such Seaman has not at the Time of quitting his Ship duly earned such Advance by Service therein, and, in the Case of such Liability as aforesaid, if such Owner or Master actually satisfies the same, it shall be lawful for the Admiralty to pay to such Owner or Master so much of such Advance as has not been duly earned, and to deduct the Sum so paid from the Wages of the Seaman earned or to be earned in the Naval Service of Her Majesty.

Repayment to Owner of Advance paid and not duly earned.

217. If, in consequence of any Seaman so leaving his Ship without the Consent of the Master or Owner thereof, it becomes necessary for the Safety and proper Navigation of the said Ship to engage a Substitute or Substitutes, and if the Wages or other Remuneration paid to such Substitute or Substitutes for subsequent Service exceed the Wages or Remuneration which would have been payable to the said Seaman under his Agreement for similar Service, the Master or Owner of the said Ship may apply to the Registrar

If new Seamen are engaged instead of the original Seamen, the Owner may apply for Repayment of any extra Expense he has been put to.

Volunteering into the Navy.

of the High Court of Admiralty in *England* for a Certificate authorizing the Repayment of such Excess; and such Application shall be in such Form, and shall be accompanied by such Documents, and by such Statements, whether on Oath or otherwise, as the Judge of the said Court from Time to Time directs.

Application how to be decided on, and Amount of Repayment how to be ascertained.

218. The said Registrar shall, upon receiving any such Application as aforesaid, give Notice thereof in Writing, and of the Sum claimed, to the Secretary to the Admiralty, and shall proceed to examine the said Application, and may call upon the Registrar General of Seamen to produce any Papers in his Possession relating thereto, and may call for further Evidence; and if the whole of the Claim appears to him to be just, he shall give a Certificate accordingly; but if he considers that such Claim or any Part thereof is not just, he shall give Notice of such his Opinion in Writing under his Hand to the Person making the said Application or his Attorney or Agent; and if within Sixteen Days from the giving of such Notice such Person does not leave or cause to be left at the Office of the Registrar of the said Court a written Notice demanding that the said Application shall be referred to the Judge of the said Court, then the said Registrar shall finally decide thereon, and certify accordingly; but if such Notice is left as aforesaid, then the said Application shall stand referred to the said Judge in his Chambers, and his Decision thereon shall be final, and the said Registrar shall certify the same accordingly; and the said Registrar and Judge respectively shall in every Proceeding under this Act have full Power to administer Oaths, and to exercise all the ordinary Powers of the Court, as in any other proceeding within its Jurisdiction; and the said Registrar or Judge (as the Case may be) may, if he thinks fit, allow for the Costs of any Proceeding under this Act any Sum not exceeding Five Pounds for each Seaman so quitting his Ship as aforesaid; and such Sum shall be added to the Sum allowed, and shall be certified by the said Registrar accordingly.

Accountant General to pay

219. Every Certificate so given shall be sent by Post or otherwise to the Person making the Application, his Attorney or Agent,

Volunteering into the Navy.

Sums when ascertained.

and a Copy thereof shall be sent to the Accountant General of the Navy; and such Accountant General shall, upon Delivery to him of the said original Certificate, together with a Receipt in Writing purporting to be a Receipt from the Master or Owner making the Application, pay to the Person delivering the same out of the Monies applicable to the Naval Service of Her Majesty, and granted by Parliament for the Purpose, the Amount mentioned in such Certificate; and such Certificate and Receipt shall absolutely discharge the said Accountant General and Her Majesty from all Liability in respect of the Monies so paid or of the said Application.

Penalty for forgery and false representations in support of such Applications.

220. Every Person who, in making or supporting any such Application as aforesaid to the Registrar of the High Court of Admiralty, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Document, and every Person who in making or supporting any such Application presents or makes use of any such forged or altered Document, or who in making or supporting any such Application makes or gives, or assists in making or giving, or procures to be made or given, any false Evidence or Representation, knowing the same to be false, shall be deemed guilty of a Misdemeanor.

Provisions, Health, and Accommodation.

Provisions, Health and Accommodation.

Survey of Provisions and Water on Complaint made.

221. Any Three or more of the Crew of any *British* Ship may complain to any Officer in command of any of Her Majesty's Ships, or any *British* Consular Officer, or any Shipping Master, or any Chief Officer of Customs, that the Provisions or Water for the Use of the Crew are at any Time of bad Quality, unfit for Use, or deficient in Quantity; and such Officer may thereupon examine the said Provisions or Water, or cause them to be examined; and if on Examination such Provisions or Water are found to be of bad Quality and unfit for Use, or to be deficient in Quantity, the Person making such Examination shall signify the same in Writing to the Master of the Ship; and if such Master does not thereupon

Provisions, Health, and Accommodation.

provide their proper Provisions or Water in lieu of any so signified to be of a bad Quality and unfit for Use, or does not procure the requisite Quantity of any so signified to be insufficient in Quantity, or uses any Provisions or Water which have been so signified as aforesaid to be of a bad Quality and unfit for Use, he shall in every such Case incur a Penalty not exceeding Twenty Pounds; and upon every such Examination as aforesaid the Officers making or directing the same shall enter a Statement of the Result of the Examination in the Official Log, and shall send a Report thereof to the Board of Trade, and such Report, if produced out of the Custody of such Board or its Officers, shall be received in Evidence in any legal Proceeding.

Forfeiture for frivolous Complaint.

222. If the Officer to whom any such Complaint as last aforesaid is made certifies in such Statement as aforesaid that there was no reasonable Ground for such Complaint, each of the Parties so complaining shall be liable to forfeit to the Owner out of his Wages a Sum not exceeding One Week's Wages.

Allowance for short or bad Provisions.

223. In the following Cases; (that is to say,)

(1.) If during a Voyage the Allowance of any of the Provisions which any Seaman has by his Agreement stipulated for is reduced (except in accordance with any Regulations for Reduction by way of Punishment contained in the Agreement, and also except for any Time during which such Seaman wilfully and without sufficient Cause refuses or neglects to perform his Duty, or is lawfully under Confinement for Misconduct, either on board or on shore);

(2.) If it is shown that any of such Provisions are or have during the Voyage been bad in Quality and unfit for Use;

The Seaman shall receive by way of Compensation for such Reduction or bad Quality, according to the Time of its Continuance, the following Sums, to be paid to him in addition to and to be recoverable as Wages; (that is to say,)

(1.) If his Allowance is reduced by any Quantity not exceeding One Third of the Quantity specified in the Agreement, a Sum not exceeding Fourpence a Day;

(2.) If his Allowance is reduced by more than One Third of such Quantity, Eightpence a Day;

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(3.) In respect of such bad Quality as aforesaid, a Sum not exceeding One Shilling a Day:

But if it is shown to the Satisfaction of the Court before which the Case is tried that any Provisions the Allowance of which has been reduced could not be procured or supplied in proper Quantities, and that proper and equivalent Substitutes were supplied in lieu thereof, the Court shall take such Circumstances into consideration, and shall modify or refuse Compensation as the Justice of the Case may require.

224. The following Rules shall be observed with respect to Medicines, Medical Stores, and Anti-scorbutics; (that is to say,)

Medicines, Lime, or Lemon Juice, Sugar and Vinegar, to be provided and kept on board certain Ships.

(1.) The Board of Trade shall from Time to Time issue and cause to be published a Scale of Medicines and Medical Stores suitable to Accidents and Diseases arising on Sea Voyages:

(2.) The Owner of every Ship navigating between the United Kingdom and any Place out of the same shall provide and cause to be constantly kept on board such Ship a Supply of such Medicines and Medical Stores in accordance with the said Scale:

(3.) The Master or Owner of every Foreign-going Ship (except those bound to *European* Ports or to Ports in the *Mediterranean Sea*, and also except such Ships or Classes of Ships bound to Ports on the Eastern Coast of *America* North of the Thirty-fifth Degree of North Latitude and to any Islands or Places in the *Atlantic Ocean* North of the same Limit, as the Board of Trade may from Time to Time exempt from this Enactment,) shall also provide and cause to be kept on board such Ship a sufficient Quantity of Lime or Lemon Juice, or of such Articles as the Board of Trade sanctions as Substitutes for Lime or Lemon Juice, and also of Sugar and Vinegar:

(4.) The Master of every such Ship as last aforesaid shall serve out the Lime or Lemon Juice or other such Articles as afore-

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said and Sugar and Vinegar to the Crew, whenever they have consumed Salt Provisions for Ten Days, and so long afterwards as such Consumption continues, the Lime or Lemon Juice and Sugar daily at the Rate of Half an Ounce each *per* Day and the Vinegar weekly at the Rate of Half a Pint *per* Week, to each Member of the Crew:

And if in any such Ship as aforesaid such Medicines, Medical Stores, Lime or Lemon Juice or other Articles, Sugar and Vinegar, as are herein-before required, are not provided and kept on board as herein-before required, the Master or Owner shall incur a Penalty not exceeding Twenty Pounds; and if the Master of any such Ship as aforesaid neglects to serve out the Lime or Lemon Juice or other Articles, Sugar or Vinegar, in the Case and Manner herein-before directed, he shall for each such Offence incur a Penalty not exceeding Five Pounds; and if any Master is convicted in either of the last-mentioned Penalties, and it appears that the Offence is owing to the Act or Default of the Owner, such Master may recover the Amount of such Penalty and the Costs incurred by him from the Owner.

Masters to keep Weights and Measures on board.

225. Every Master shall keep on board proper Weights and Measures for the Purpose of determining the Quantities of the several Provisions and Articles served out, and shall allow the same to be used at the Time of serving out such Provisions and Articles in the Presence of a Witness whenever any Dispute arises about such Quantities, and in default shall for every Offence incur a Penalty not exceeding Ten Pounds.

Board of Trade and Local Boards may appoint Inspectors of Medicines, who are to see that Ships are properly provided.

226. Any Local Marine Board may, upon being required by the Board of Trade so to do, appoint and remove a Medical Inspector of Ships for the Port, and may fix his Remuneration, such Remuneration to be subject to the Control of the Board of Trade; and at Ports where there are no Local Marine Boards the Board of Trade may appoint and remove such Inspectors, and fix their Remuneration; and it shall be the Duty of such Inspectors to inspect the Medicines, Medical Stores, Lime or Lemon Juice, or other Articles, Sugar and Vinegar, required to be kept on board any such Ships as

aforesaid ; and such Inspection, if made at Places where there are Local Marine Boards, shall be made under their Direction, and also in any special Cases under the Direction of the Board of Trade, and if made at Places where there are no Local Marine Boards, shall be made under the Direction of the Board of Trade ; and such Medical Inspectors shall for the Purposes of such Inspection have the same Powers as the Inspectors appointed by the Board of Trade under the First Part of this Act ; but every such Inspector, if required by timely Notice in Writing from the Master, Owner, or Consignee, shall make his Inspection Three Days at least before the Ship proceeds to Sea, and if the Result of the Inspection is satisfactory shall not again make Inspection before the Commencement of the Voyage, unless he has Reason to suspect that some of the Articles inspected have been subsequently removed, injured, or destroyed ; and whenever any such Medical Inspector is of opinion that in any Ship hereby required to carry such Articles as aforesaid the same or any of them are deficient in Quantity, or Quality, or are placed in improper Vessels, he shall signify the same in Writing to the Chief Officer of Customs of the Port where such Ship is lying, and also to the Master, Owner, or Consignee thereof, and thereupon the Master of such Ship, before proceeding to Sea, shall produce to such Chief Officer of Customs a Certificate under the Hand of such Medical Inspector or of some other Medical Inspector to the Effect that such Deficiency has been supplied or remedied, or that such improper Vessels have been replaced by proper Vessels as the Case may require ; and such Chief Officer of Customs shall not grant a Clearance for such Ship without the Production of such Certificate, and if such Ship attempts to go to Sea without a Clearance, may detain her until such Certificate is produced ; and if such Ship proceeds to Sea without the Production of such Certificate, the Owner, Master, or Consignee thereof shall incur a Penalty not exceeding Twenty Pounds.

Provisions, Health, and Accommodation.

Penalty for selling bad Drugs for Ships.

227. Any Person who sells or supplies any Medicines, Medical Stores, Lime or Lemon Juice, of bad Quality, for the Use of any

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Ship, shall for each such Offence incur a Penalty not exceeding Twenty Pounds.

Expense of Medical Attendance and Subsistence in case of Illness, and of Burial in case of Death, how to be defrayed.

228. The following Rules shall be observed with respect to Expenses attendant on Illness and Death; (that is to say,)

(1.) If the Master or any Seaman or Apprentice receives any Hurt or Injury in the Service of the Ship to which he belongs, the Expense of providing the necessary Surgical and Medical Advice, with Attendance and Medicines, and of his Subsistence until he is cured, or dies, or is brought back to some Port in the United Kingdom, if shipped in the United Kingdom, or if shipped in some *British* Possession to some Port in such Possession, and of his Conveyance to such Port, and the Expense (if any) of his Burial, shall be defrayed by the Owner of such Ship, without any Deduction on that Account from the Wages of such Master, Seaman, or Apprentice:

(2.) If the Master or any Seaman or Apprentice is on account of any Illness temporarily removed from his Ship for the Purpose of preventing Infection, or otherwise for the Convenience of the Ship, and subsequently returns to his Duty, the Expense of such Removal and of providing the necessary Advice with Attendance and Medicines and of his Subsistence whilst away from the Ship, shall be defrayed in like Manner:

(3.) The Expense of all Medicines and Surgical or Medical Advice and Attendance given to any Master, Seaman, or Apprentice whilst on board his Ship shall be defrayed in like Manner:

(4.) In all other Cases any reasonable Expenses duly incurred by the Owner for any Seaman in respect of Illness, and also any reasonable Expenses duly incurred by the Owner in respect of the Burial of any Seaman or Apprentice who dies whilst on Service, shall, if duly proved, be deducted from the Wages of such Seaman or Apprentice.

Expenses, if paid by Consul, to be recoverable from Owner.

229. If any such Expenses in respect of the Illness, Injury, or Hurt of any Seaman or Apprentice, as are to be borne by the Owner, are paid by any Consular Officer or other Person on behalf

of Her Majesty, or if any other Expenses in respect of the Illness, Injury, or Hurt of any Seaman or Apprentice whose Wages are not accounted for to such Officer under the Provisions herein-before contained in that Behalf are so paid, such Expenses shall be repaid to such Officer or other Person by the Master of the Ship, and if not so repaid, the Amount thereof, with Costs, shall be a Charge upon the Ship, and be recoverable from the said Master or from the Owner of the Ship for the Time being as a Debt due to Her Majesty, and shall be recoverable either by ordinary Process of Law or in the Manner in which Seamen are hereby enabled to recover Wages; and in any Proceeding for the Recovery thereof the Production of a Certificate of the Facts, signed by such Officer or other Person, together with such Vouchers (if any) as the Case requires, shall be sufficient Proof that the said Expenses were duly paid by such Consular Officer or other Person as aforesaid.

Provisions, Health, and Accommodation.

Certain Ships to carry Medical Practitioners.

230. Every Foreign-going Ship having One hundred Persons or upwards on board shall carry on board as Part of her Complement some Person duly authorized by Law to practise as Physician, Surgeon, or Apothecary; and in default the Owner shall for every Voyage of any such Ship made without such Medical Practitioner incur a Penalty not exceeding One hundred Pounds: Provided that nothing herein contained shall in any wise affect any Provision contained in the "Passengers' Act, 1852," concerning the Carriage of Medical Practitioners by the Class of Ships therein named Passenger Ships, nor shall any such Passenger Ship, if not thereby required to carry a Medical Practitioner, be hereby required to do so.

Place appropriated to Seamen to have a certain Space for each Man, and to be properly constructed and kept clear.

231. The following Rules shall be observed with respect to Accommodation on board; (that is to say,)

(1.) Every Place in any Ship occupied by Seamen or Apprentices, and appropriated to their Use, shall have for every such Seaman or Apprentice, if they sleep in Hammocks, a Space of not less than Nine Superficial Feet, and if they do not sleep in Hammocks, a Space of not less than Twelve Superficial Feet measured on the Deck or Floor of such Place:

Provisions, Health, and Accommodation.

(2.) Every such Place shall either be Six Feet in Height from Deck to Deck, or shall have for every Seaman and Apprentice, if they sleep in Hammocks, a Space of not less than Fifty-four Cubic Feet, and if they do not sleep in Hammocks, a Space of not less than Seventy-two Cubic Feet:

(3.) Every such Place shall be kept free from Stores or Goods of any kind, not being the personal Property of the Crew in use during the Voyage:

(4.) Every such Place shall be properly caulked, and in all other respects securely and properly constructed and well ventilated:

And if any such Place in any Ship is not in the whole sufficiently large to give such Space for each Seaman and Apprentice as herein-before required, or is not properly caulked and in all other respects securely and properly constructed and well ventilated, the Owner shall for every such Failure to comply with the Provisions of this Section incur a Penalty not exceeding Twenty Pounds; and if any such Space as aforesaid is not kept free from Goods and Stores as aforesaid, the Master shall for every such Failure to comply with the Provisions of this Section incur a Penalty not exceeding Ten Pounds.

Power of making Complaint.

Power of making Complaint.

Seaman to be allowed to go ashore to make Complaint to a Justice.

232. If any Seaman or Apprentice whilst on board any Ship states to the Master that he desires to make Complaint to a Justice of the Peace, or Consular Officer, or Naval Officer in command of any of Her Majesty's Ships, against the Master or any of the Crew, the said Master shall, if the Ship is then at a Place where there is a Justice or any such Officer as aforesaid, so soon as the Service of the Ship will permit, and if the Ship is not then at such a Place, so soon after her first Arrival at such a Place as the Service of the Ship will permit, allow such Seaman or Apprentice to go ashore or send him ashore in proper Custody so that he may be enabled to make such Complaint, and shall, in default, incur a Penalty not exceeding Ten Pounds.

Protection of Seamen from Imposition.

Protection of Seamen from Imposition.

Sale of and Charge upon Wages to be invalid.

233. No Wages due or accruing to any Seaman or Apprentice shall be subject to Attachment or Arrestment from any Court; and every Payment of Wages to a Seaman or Apprentice shall be valid in Law, notwithstanding any previous Sale or Assignment of such Wages, or of any Attachment, Incumbrance, or Arrestment thereon; and no Assignment or Sale of such Wages or of Salvage made prior to the accruing thereof shall bind the Party making the same; and no Power of Attorney or Authority for the Receipt of any such Wages or Salvage shall be irrevocable.

No Debt exceeding 5s. recoverable till End of Voyage.

234. No Debt exceeding in Amount Five Shillings, incurred by any Seaman after he has engaged to serve, shall be recoverable until the Service agreed for is concluded.

Penalty for Overcharges by Lodging-house Keepers.

235. If any Person demands or receives from any Seaman or Apprentice to the Sea Service Payment in respect of his Board or Lodging in the House of such Person for a longer Period than such Seaman or Apprentice has actually resided or boarded therein, he shall incur a Penalty not exceeding Ten Pounds.

Penalty for detaining Seamen's Effects.

236. If any Person receives or takes into his possession or under his Control any Monies, Documents, or Effects of any Seaman or Apprentice to the Sea Service, and does not return the same or pay the Value thereof, when required by such Seaman or Apprentice, subject to such Deduction as may be justly due to him from such Seaman or Apprentice in respect of Board or Lodging or otherwise, or absconds therewith, he shall incur a Penalty not exceeding Ten Pounds, and any Two Justices may, besides inflicting such Penalty, by summary Order direct the Amount or Value of such Monies, Documents, or Effects, subject to such Deduction as aforesaid, to be forthwith paid to such Seaman or Apprentice.

Persons not to go on board before the final Arrival of Ship with-

237. Every Person who, not being in Her Majesty's Service, and not being duly authorized by Law for the Purpose, goes on board any Ship about to arrive at the Place of her Destination,

Protection of Seamen from Imposition.

out Permission.

before her actual Arrival in Dock or at the Place of her Discharge, without the Permission of the Master, shall for every such Offence incur a Penalty not exceeding Twenty Pounds ; and the Master or Person in charge of such Ship may take any such Person so going on board as aforesaid into Custody, and deliver him up forthwith to any Constable or Peace Officer, to be by him taken before a Justice or Justices or the Sheriff of the County in *Scotland*, and to be dealt with according to the Provisions of this Act.

Penalty for Solicitations by Lodging-House Keepers.

238. If, within Twenty-four Hours after the Arrival of any Ship at any Port in the United Kingdom, any Person then being on board such Ship solicits any Seaman to become a Lodger at the House of any Person letting Lodgings for Hire, or takes out of such Ship any Effects of any Seaman, except under his personal Direction and with the Permission of the Master, he shall for every such Offence incur a Penalty not exceeding Five Pounds.

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Misconduct endangering Ship or Life or Limb a Misdemeanor.

239. Any Master of, or any Seaman or Apprentice belonging to, any *British* Ship, who, by wilful Breach of Duty, or by Neglect of Duty, or by reason of Drunkenness, does any Act tending to the immediate Loss, Destruction, or serious Damage of such Ship, or tending immediately to endanger the Life or Limb of any Person belonging to or on board of such Ship, or who by wilful Breach of Duty, or by Neglect of Duty, or by reason of Drunkenness, refuses or omits to do any lawful Act proper and requisite to be done by him for preserving such Ship from immediate Loss, Destruction, or serious Damage, or for preserving any Person belonging to or on board of such Ship from immediate Danger to Life or Limb, shall for every such Offence be deemed guilty of a Misdemeanor.

Power of Admiralty Courts to remove Master.

240. Any Court having Admiralty Jurisdiction in any of Her Majesty's Dominions may, upon Application by the Owner of any Ship being within the Jurisdiction of such Court, or by the Part Owner or Consignee, or by the Agent of the Owner, or by any

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certificated Mate, or by One Third or more of the Crew of such Ship, and upon Proof on Oath to the Satisfaction of such Court that the Removal of the Master of such Ship is necessary, remove him accordingly; and may also, with the Consent of the Owner or his Agent, or the Consignee of the Ship, or if there is no Owner or Agent of the Owner or Consignee of the Ship within the Jurisdiction of the Court, then without such Consent, appoint a new Master in his Stead; and may also make such Order, and may require such Security in respect of Costs in the Matter, as it thinks fit.

Power to investigate Cases of alleged Incompetency and Misconduct.

241. If the Board of Trade or any Local Marine Board has reason to believe that any Master or Mate is from Incompetency or Misconduct unfit to discharge his Duties, the Board of Trade may either institute an Investigation or may direct the Local Marine Board at or nearest to the Place at which it may be convenient for the Parties and Witnesses to attend to institute the same, and thereupon such Persons as the Board of Trade may appoint for the Purpose, or, as the Case may be, the Local Marine Board, shall, with the Assistance of a local Stipendiary Magistrate (if any), and if there is no such Magistrate of a competent legal Assistant to be appointed by the Board of Trade, conduct the Investigation, and may summon the Master or Mate to appear, and shall give him full Opportunity of making a Defence either in person or otherwise, and shall for the purpose of such Investigation have all the Powers given by the First Part of this Act to Inspectors appointed by the Board of Trade, and may make such Order with respect to the Costs of such Investigation as they may deem just; and shall on the Conclusion of the Investigation make a Report upon the Case to the Board of Trade; and in Cases where there is no Local Marine Board before which the Parties and Witnesses can conveniently attend, or where such Local Marine Board is unwilling to institute the Investigation, the Board of Trade may direct the same to be instituted before Two Justices or a Stipendiary Magistrate; and thereupon such Investigation shall be conducted, and the Results thereof reported, in the same Manner and with the same Powers in and with

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which formal Investigations into Wrecks and Casualties are directed to be conducted, and the Results thereof reported, under the Provisions contained in the Eighth Part of this Act, save only that, if the Board of Trade so directs, the Person bringing the Charge of Incompetency or Misconduct to the Notice of the Board of Trade shall be deemed to be the Party having the Conduct of the Case.

Board of Trade may cancel or suspend Certificates in certain Cases.

242. The Board of Trade may suspend or cancel the Certificate (whether of Competency or Service) of any Master or Mate in the following Cases; (that is to say,)

(1.) If upon any Investigation made in pursuance of the last preceding Section, he is reported to be incompetent, or to have been guilty of any gross Act of Misconduct, Drunkenness, or Tyranny:

(2.) If upon any Investigation conducted under the Provisions contained in the Eighth Part of this Act, or upon any Investigation made by a Naval Court constituted as herein-after mentioned, it is reported that the Loss or Abandonment of or serious Damage to any Ship or Loss of Life has been caused by his wrongful Act or Default:

(3.) If he is superseded by the Order of any Admiralty Court or of any Naval Court constituted as herein-after mentioned:

(4.) If he is shown to have been convicted of any Offence:

(5.) If upon any Investigation made by any Court or Tribunal authorized or hereafter to be authorized by the Legislative Authority in any *British* Possession to make Inquiry into Charges of Incompetency or Misconduct on the Part of Masters or Mates of Ships, or as to Shipwrecks or other Casualties affecting Ships, a Report is made by such Court or Tribunal to the Effect that he has been guilty of any gross Act of Misconduct, Drunkenness, or Tyranny, or that the Loss or Abandonment of or serious Damage to any Ship or Loss of Life has been caused by his wrongful act or Default, and such Report is confirmed by the Governor or Person administering the Government of such Possession:

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And every Master or Mate whose Certificate is cancelled or suspended shall deliver it to the Board of Trade or as it directs, and in default shall for each Offence incur a Penalty not exceeding Fifty Pounds; and the Board of Trade may at any subsequent Time grant to any Person whose Certificate has been cancelled a new Certificate of the same or of any lower Grade.

Offences of Seamen and Apprentices and their Punishments.

243. Whenever any Seaman who has been lawfully engaged or any Apprentice to the Sea Service commits any of the following Offences he shall be liable to be punished summarily as follows; (that is to say,)

Desertion.

(1.) For Desertion he shall be liable to Imprisonment for any Period not exceeding Twelve Weeks, with or without Hard Labour, and also to forfeit all or any Part of the Clothes and Effects he leaves on board, and all or any Part of the Wages or Emoluments which he has then earned, and also, if such Desertion takes place abroad, at the Discretion of the Court, to forfeit all or any Part of the Wages or Emoluments he may earn in any other Ship in which he may be employed until his next Return to the United Kingdom, and to satisfy any Excess of Wages paid by the Master or Owner of the Ship from which he deserts to any Substitute engaged in his Place at a higher Rate of Wages than the Rate stipulated to be paid to him:

Neglecting or refusing to join, or to proceed to Sea, Absence within 24 Hours before sailing, and Absence without Leave:

(2.) For neglecting or refusing, without reasonable Cause, to join his Ship, or to proceed to Sea in his Ship, or for Absence without Leave at any Time within Twenty-four Hours of the Ship's sailing from any Port either at the Commencement or during the Progress of any Voyage, or for Absence at any Time without Leave and without sufficient Reason from his Ship or from his Duty not amounting to Desertion or not treated as such by the Master, he shall be liable to Imprisonment for any Period not exceeding Ten Weeks, with or without Hard Labour, and also, at the Discretion of the Court, to forfeit out of his Wages a Sum not exceeding the Amount of

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Two Days' Pay, and in addition for every Twenty-four Hours of Absence either a Sum not exceeding Six Days Pay, or any Expenses which have been properly incurred in hiring a Substitute:

Quitting without Leave before Ship is secured:

(3.) For quitting the Ship without Leave after her Arrival at her Port of Delivery and before she is placed in Security, he shall be liable to forfeit out of his Wages a Sum not exceeding One Month's Pay:

Act of Disobedience:

(4.) For wilful Disobedience to any lawful Command he shall be liable to Imprisonment for any Period not exceeding Four Weeks, with or without Hard Labour, and also, at the Discretion of the Court, to forfeit out of his Wages a Sum not exceeding Two Days' Pay:

Continued Disobedience:

(5.) For continued wilful Disobedience to lawful Commands, or continued wilful Neglect of Duty, he shall be liable to Imprisonment for any Period not exceeding Twelve Weeks, with or without Hard Labour, and also, at the Discretion of the Court, to forfeit for every Twenty-four Hours' Continuance of such Disobedience or Neglect either a Sum not exceeding Six Days' Pay, or any Expenses which have been properly incurred in hiring a Substitute:

Assault on Officers.

(6.) For assaulting any Master or Mate he shall be liable to Imprisonment for any Period not exceeding Twelve Weeks, with or without Hard Labour:

Combining to disobey:

(7.) For combining with any other or others of the Crew to disobey lawful Commands, or to neglect Duty, or to impede the Navigation of the Ship or the Progress of the Voyage, he shall be liable to Imprisonment for any Period not exceeding Twelve Weeks, with or without Hard Labour:

Wilful Damage and Embezzlement:

(8.) For wilfully damaging the Ship, or embezzling or wilfully damaging any of her Stores or Cargo, he shall be liable to forfeit out of his Wages a Sum equal in Amount to the Loss thereby sustained, and also, at the Discretion of the Court, to Imprisonment for any Period not exceeding Twelve Weeks, with or without Hard Labour:

(9.) For any Act of Smuggling of which he is convicted, and whereby Loss or Damage is occasioned to the Master or Owner, he shall be liable to pay to such Master or Owner such a Sum as is sufficient to reimburse the Master or Owner for such Loss or Damage; and the whole or a proportionate Part of his Wages may be retained in satisfaction or on account of such Liability, without Prejudice to any further Remedy.

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Act of Smuggling causing Loss to Owner.

Entry of Offences to be made in Official Log and to be read over or a Copy given to the Offender, and his Reply, if any, to be also entered.

244. Upon the Commission of any of the Offences enumerated in the last preceding Section an Entry thereof shall be made in the Official Log Book, and shall be signed by the Master and also by the Mate or One of the Crew; and the Offender, if still in the Ship, shall before the next subsequent Arrival of the Ship at any Port, or, if she is at the Time in Port, before her Departure therefrom, either be furnished with a Copy of such Entry or have the same read over distinctly and audibly to him, and may thereupon make such Reply thereto as he thinks fit; and a Statement that a Copy of the said Entry has been so furnished, or that the same has been so read over as aforesaid, and the Reply (if any) made by the Offender, shall likewise be entered and signed in manner aforesaid; and in any subsequent legal Proceeding the Entries herein-before required shall, if practicable, be produced or proved, and in default of such Production or Proof the Court hearing the Case may, at its Discretion, refuse to receive Evidence of the Offence.

Seamen whom Masters of Ships are compelled to convey, and Persons going in Ships without Leave to be subject to Penalties for Breach of Discipline.

245. Every seafaring Person whom the Master of any Ship is, under the Authority of this Act or of any other Act of Parliament, compelled to take on board and convey, and every Person who goes to Sea in any Ship without the Consent of the Master or Owner or other Person entitled to give such Consent, shall, so long as he remains in such Ship, be subject to the same Laws and Regulations for preserving Discipline, and to the same Penalties and Punishments for Offences constituting or tending to a Breach of Discipline, to which he would be subject if he were a Member of the Crew and had signed the Agreement.

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Master or Owner may apprehend Deserters without Warrant.

246. Whenever either at the Commencement or during the Progress of any Voyage, any Seaman or Apprentice neglects or refuses to join or deserts from or refuses to proceed to Sea in any Ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without Leave, the Master or any Mate, or the Owner, Ship's Husband, or Consignee, may, in any Place, in Her Majesty's Dominions, with or without the Assistance of the local Police Officers or Constables, who are hereby directed to give the same, if required, and also at any Place out of Her Majesty's Dominions, if and so far as the Laws in force at such Place will permit, apprehend him without first procuring a Warrant; and may thereupon in any Case, and shall in case he so requires and it is practicable, convey him before some Court capable of taking cognizance of the matter, to be dealt with according to Law; and may, for the Purpose of conveying him before such Court, detain him in Custody for a Period not exceeding Twenty-four Hours or such shorter Time as may be necessary, or may, if he does not so require, or if there is no such Court at or near the Place, at once convey him on board; and if any such Apprehension appears to the Court before which the Case is brought to have been made on improper or on insufficient Grounds, the Master, Mate, Owner, Ship's Husband, or Consignee who makes the same, or causes the same to be made shall incur a Penalty not exceeding Twenty Pounds; but such Penalty, if inflicted, shall be a Bar to any Action for false Imprisonment in respect of such Apprehension.

Deserter may be sent on board in lieu of being imprisoned.

247. Whenever any Seaman or Apprentice is brought before any Court on the Ground of his having neglected or refused to join or to proceed to Sea in any Ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without Leave, such Court may, if the Master or the Owner or his Agent so requires, instead of committing the Offender to Prison, cause him to be conveyed on board for the Purpose of proceeding on the Voyage, or deliver him to the Master or any Mate of the Ship, or the Owner or his Agent, to be by them so conveyed, and

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may in such Case order any Costs and Expenses properly incurred by or on behalf of the Master or owner by reason of the Offence to be paid by the Offender, and, if necessary to be deducted from any Wages which he has then earned, or which by virtue of his then existing Engagement he may afterwards earn.

Seamen imprisoned for Desertion or Breach of Discipline may be sent on board before Termination of Sentence.

248. If any Seaman or Apprentice is imprisoned on the Ground of his having neglected or refused to join or to proceed to Sea in any Ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without Leave, or of his having committed any other Breach of Discipline, and if during such Imprisonment and before his Engagement is at an end his Services are required on board his Ship, any Justice may, at the Request of the Master or of the Owner or his Agent, cause such Seaman or Apprentice to be conveyed on board his said Ship for the Purpose of proceeding on the Voyage, or to be delivered to the Master or any Mate of the Ship or to the Owner or his Agent, to be by them so conveyed, notwithstanding that the Termination of the Period for which he was sentenced to Imprisonment has not arrived.

Entries and Certificates of Desertion abroad to be copied, sent home and admitted in Evidence.

249. In all Cases of Desertion from any Ship in any Place abroad the Master shall produce the Entry of such Desertion in the Official Log Book to the Person or Persons hereby required to indorse on the Agreement a Certificate of such Desertion ; and such Person or Persons shall thereupon make and certify a Copy of such Entry and also a Copy of the said Certificate of Desertion ; and if such Person is a public Functionary he shall, and in other Cases the said Master shall forthwith transmit such Copies to the Registrar General of Seamen in *England* ; and the said Registrar shall, if required, cause the same to be produced in any legal Proceeding ; and such Copies, if purporting to be so made and certified as aforesaid, and certified to have come from the Custody of the said Registrar, shall in any legal Proceeding relating to such Desertion be received as Evidence of the Entries therein appearing.

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Facilities for proving Desertion, so far as concerns Forfeiture of Wages.

250. Whenever a Question arises whether the Wages of any Seaman or Apprentice are forfeited for Desertion, it shall be sufficient for the Party insisting on the Forfeiture to show that such Seaman or Apprentice was duly engaged in or that he belonged to the Ship from which he is alleged to have deserted, and that he quitted such Ship before the Completion of the Voyage or Engagement, or if such Voyage was to terminate in the United Kingdom and the Ship has not returned, that he is absent from her, and that an Entry of the Desertion has been duly made in the official Log Book; and thereupon the Desertion shall, so far as relates to any Forfeiture of Wages or Emoluments under the Provisions herein-before contained, be deemed to be proved, unless the Seaman or Apprentice can produce a proper Certificate of Discharge, or can otherwise show to the Satisfaction of the Court that he had sufficient Reasons for leaving his Ship.

Costs of procuring Imprisonment may to the Extent of 3*l*. be deducted from Wages.

251. Whenever in any Proceeding relating to Seamen's Wages, it is shown that any Seaman or Apprentice has in the course of the Voyage been convicted of any Offence by any competent Tribunal and rightfully punished therefor by Imprisonment or otherwise, the Court hearing the Case may direct a Part of the Wages due to such Seaman, not exceeding Three Pounds, to be applied in reimbursing any Costs properly incurred by the Master in procuring such Conviction and Punishment.

Amount of Forfeiture how to be ascertained when Seamen contract for the Voyage.

252. Whenever any Seaman contracts for Wages by the Voyage or by the Run or by the Share, and not by the Month or other stated Period of Time, the Amount of Forfeiture to be incurred under this Act shall be taken to be an Amount bearing the same Proportion to the whole Wages or Share as a Calendar Month or other the Period herein-before mentioned in fixing the Amount of such Forfeiture (as the Case may be) bears to the whole Time spent in the Voyage; and if the whole time spent in the Voyage does not exceed the Period for which the Pay is to be forfeited, the Forfeiture shall extend to the whole Wages or Share.

Application of Forfeitures.

253. All Clothes, Effects, Wages, and Emoluments which under the Provisions herein-before contained are forfeited for Desertion

shall be applied in the first instance in or towards the Reimbursement of the Expenses occasioned by such Desertion to the Master or Owner of the Ship from which the Desertion has taken place; and may, if earned subsequently to the Desertion, be recovered by such Master, or by the Owner or his Agent, in the same Manner as the Deserter might have recovered the same if they had not been forfeited; and in any legal Proceeding relating to such Wages the Court may order the same to be paid accordingly; and subject to such Reimbursement the same shall be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom; and in all other Cases of Forfeiture of Wages under the Provisions herein-before contained the Forfeiture shall, in the Absence of any specific Directions to the contrary, be for the Benefit of the Master or Owner by whom the Wages are payable.

Questions of Forfeitures may be decided in Suits for Wages.

254. Any Question concerning the Forfeiture of or Deductions from the Wages of any Seaman or Apprentice may be determined in any Proceeding lawfully instituted with respect to such Wages, notwithstanding that the Offence in respect of which such Question arises, though hereby made punishable by Imprisonment as well as Forfeiture, has not been made the Subject of any Criminal Proceeding.

Penalty for false Statement as to last Ship or Name.

255. If any Seaman on or before being engaged wilfully and fraudulently makes a false Statement of the Name of his last Ship or last alleged Ship, or wilfully and fraudulently makes a false Statement of his own Name, he shall incur a Penalty not exceeding Five Pounds; and such Penalty may be deducted from any Wages he may earn by virtue of such Engagement as aforesaid, and shall, subject to Reimbursement of the Loss and Expenses (if any) occasioned by any previous Desertion, be paid and applied in the same Manner as other Penalties payable under this Act.

Fines to be deducted from Wages, and

256. Whenever any Seaman commits an Act of Misconduct for which his Agreement imposes a Fine, and which it is intended to

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paid to Shipping Master.

punish by enforcing such Fine, an Entry thereof shall be made in the official Log Book, and a Copy of such Entry shall be furnished or the same shall be read over to the Offender, and an Entry of such reading over, and of the Reply (if any) made by the Offender, shall be made in the Manner, and subject to the Conditions hereinbefore specified with respect to the Offences against Discipline specified in and punishable under this Act; and such Fine shall be deducted and paid over as follows; (that is to say,) if the Offender is discharged in the United Kingdom, and the Offence and such Entries in respect thereof as aforesaid are proved, in the Case of a Foreign-going Ship to the Satisfaction of the Shipping Master before whom the Offender is discharged, and in the Case of a Home Trade Ship to the Satisfaction of the Shipping Master at or nearest to the Place at which the Crew is discharged, the Master or Owner shall deduct such Fine from the Wages of the Offender, and pay the same over to such Shipping Master; and if before the final Discharge of the Crew in the United Kingdom any such Offender as aforesaid enters into any of Her Majesty's Ships, or is discharged abroad, and the Offence and such Entries as aforesaid are proved to the Satisfaction of the Officer in command of the Ship into which he so enters, or of the Consular Officer, Officer of Customs, or other Person by whose Sanction he is so discharged, the Fine shall thereupon be deducted as aforesaid, and an Entry of such Deduction shall then be made in the official Log Book (if any) and signed by such Officer or other Person; and on the Return of the Ship to the United Kingdom the Master or Owner shall pay over such Fine, in the Case of Foreign-going Ships to the Shipping Master before whom the Crew is discharged, and in the Case of Home Trade Ships to the Shipping Master at or nearest to the Place at which the Crew is discharged; and if any Master or Owner neglects or refuses to pay over any such Fine in manner aforesaid, he shall for each Offence incur a Penalty not exceeding Six Times the Amount or the Fine retained by him: Provided that no Act of Misconduct for which

any such Fine as aforesaid has been inflicted and paid shall be otherwise punished under the Provisions of this Act.

Discipline.

Penalty for enticing to desert, and harbouring Deserters.

257. Every Person who by any Means whatever persuades or attempts to persuade any Seaman or Apprentice to neglect or refuse to join or to proceed to Sea in or to desert from his Ship, or otherwise to absent himself from his Duty, shall for each such Offence in respect of each such Seaman or Apprentice incur a Penalty not exceeding Ten Pounds; and every Person who wilfully harbours or secretes any Seaman or Apprentice who has deserted from his Ship, or who has wilfully neglected or refused to join or has deserted from his Ship, knowing or having Reason to believe such Seaman or Apprentice to have so done, shall for every such Seaman or Apprentice so harboured or secreted incur a Penalty not exceeding Twenty Pounds.

Penalty for obtaining Passage surreptitiously.

258. Any Person who secretes himself and goes to Sea in any Ship without the Consent of either the Owner, Consignee, or Master, or of a Mate, or of any Person in charge of such Ship, or of any other Person entitled to give such Consent, shall incur a Penalty not exceeding Twenty Pounds, or be liable to Imprisonment with or without Hard Labour for any Period not exceeding Four Weeks.

On Change of Masters, Documents hereby required to be handed over to Successor.

259. If during the Progress of a Voyage the Master is superseded or for any other Reason quits the Ship and is succeeded in the Command by some other Person, he shall deliver to his Successor the various Documents relating to the Navigation of the Ship and to the Crew thereof which are in his Custody, and shall in default incur a Penalty not exceeding One hundred Pounds; and such Successor shall immediately on assuming the Command of the Ship enter in the Official Log a List of the Documents so delivered to him.

Naval Courts on the High Seas and abroad.

Naval Courts.

Naval Courts may be summoned for

260. Any Officer in command of any Ship of Her Majesty on any Foreign Station, or, in the Absence of such Officer, any Con-

Naval Courts.

hearing Complaints, and investigating Wrecks on the High Seas or abroad.

sular Officer, may summon a Court, to be termed a "Naval Court," in the following Cases; (that is to say,)

(1.) Whenever a Complaint which appears to such Officer to require immediate Investigation is made to him by the Master of any *British* Ship, or by any certificated Mate, or by One or more of the Seamen belonging to any such Ship:

(2.) Whenever the Interest of the Owner of any *British* Ship or of the Cargo of any such Ship appears to such Officer to require it:

(3.) Whenever any *British* Ship is wrecked or abandoned or otherwise lost at or near the Place where such Officer may be, or whenever the Crew or Part of the Crew of any *British* Ship which has been wrecked, abandoned, or lost abroad, arrives at such Place.

Constitution of such Courts.

261. Every such Naval Court as aforesaid shall consist of not more than Five and not less than Three Members, of whom, if possible, One shall be an Officer in the Naval Service of Her Majesty not below the Rank of Lieutenant, One a Consular Officer, and One a Master of a *British* Merchant Ship, and the rest shall be either Officers in the Naval Service of Her Majesty, Masters of *British* Merchant Ships, or *British* Merchants; and such Court may include the Naval or Consular Officer summoning the same, but shall not include the Master or Consignee of the Ship to which the Parties complaining or complained against may belong; and the Naval or Consular Officer in such Court, if there is only One such Officer in the Court, or, if there is more than One, the Naval or Consular Officer who, according to any Regulations for settling their respective Ranks for the Time being in force, is of the highest Rank, shall be the President of such Court.

General Functions and Mode of Action of such Courts.

262. Every such Naval Court shall hear and investigate the Complaint brought before it, or the Cause of the Wreck or Abandonment, (as the Case may be,) and may for that Purpose summon and compel the Attendance of Parties and Witnesses, and administer Oaths, and order the Production of Documents, and shall

conduct the Investigation in such Manner as to give any Person against whom any Charge is made an Opportunity of making a Defence.

Powers of such Courts:

263. Every such Naval Court may, after hearing the Case, exercise the following Powers; (that is to say,)

To supersede the Master:

(1.) It may, if unanimous that the Safety of the Ship or Crew, or the Interest of the Owner, absolutely requires it, supersede the Master, and may appoint another Person to act in his Stead; but no such Appointment shall be made without the Consent of the Consignee of the Ship, if then at the Place:

To discharge a Seaman:

(2.) It may discharge any Seaman from his Ship:

To forfeit Wages:

(3.) It may order the Wages of any Seaman so discharged or any Part of such Wages to be forfeited, and may direct the same either to be retained by way of Compensation to the Owner, or to be paid into the Receipt of Her Majesty's Exchequer in the same Manner as other Penalties and Forfeitures under this Act:

To decide Disputes as to Wages, &c.:

(4.) It may decide any Questions as to Wages, or Fines, or Forfeitures, arising between any of the Parties to the Proceedings:

To direct Costs of Imprisonment to be paid out of Wages.

(5.) It may direct that all or any of the Costs incurred by the Master or Owner of any Ship in procuring the Imprisonment of any Seaman or Apprentice in a Foreign Port, or in his Maintenance whilst so imprisoned, shall be paid out of and deducted from the Wages of such Seaman or Apprentice, whether then or subsequently earned:

To send home Offenders for Trial.

(6.) It may exercise the same Powers with regard to Persons charged before it with the Commission of Offences at Sea or abroad as are by this Act given to *British* Consular Officers:

To order Payment of Costs, &c.

(7.) It may order the Costs of the Proceeding before it (if any,) or any Portion thereof, to be paid by any of the Parties thereto, and may order any Person making a frivolous or vexatious Complaint to pay Compensation for any Loss or Delay caused thereby; and any Cost or Compensation so ordered shall be

Naval Courts.

paid by such Person accordingly, and may be recovered in the same Manner in which the Wages of Seamen are recoverable, or may, if the Case admits, be deducted from his Wages:

And all Orders duly made by any such Court under the Powers hereby given to it shall in any subsequent legal Proceedings be deemed conclusive as to the Rights of the Parties.

Orders to be entered in Official Log.

264. All Orders made by any such Naval Court shall, whenever practicable, be entered in the Official Log Book of the Ship to which the Parties to the Proceedings before it belong, and shall be signed by the President of the Court.

Report to be made of Proceedings of Naval Courts.

265. Every such Naval Court shall make a Report to the Board of Trade, containing the following Particulars; (that is to say,)

(1.) A Statement of the Proceedings, with the Order made by the Court, and a Report of the Evidence:

(2.) An Account of the Wages of any Seaman or Apprentice who is discharged from his Ship by such Court:

(3.) If summoned in order to inquire into a Case of Wreck or Abandonment, a Statement of the Opinion of the Court as to the Cause of such Wreck or Abandonment, with such Remarks on the Conduct of the Master and Crew as the Circumstances require:

And every such Report shall be signed by the President of the Court; and every Document purporting to be such a Report and to be so signed as aforesaid shall, if produced out of the Custody of some Officer of the Board of Trade, be deemed to be such Report, unless the contrary is proved, and shall be received in Evidence, subject to all just Exceptions.

Penalty for preventing Complaint or obstructing Investigation.

266. Any Person who wilfully and without due Cause prevents or obstructs the making of any such Complaint as last aforesaid, or the Conduct of any Case or Investigation by any Naval Court, shall for each such Offence incur a Penalty not exceeding Fifty Pounds, or be liable to Imprisonment with or without Hard Labour for any Period not exceeding Twelve Weeks.

Crimes committed on the High Seas and abroad.

Crimes committed abroad

Offences committed by British Seamen at Foreign Ports to be within Admiralty Jurisdiction.

267. All Offences against Property or Person committed in or at any Place either ashore or afloat out of Her Majesty's Dominions by any Master, Seaman, or Apprentice who at the Time when the Offence is committed is or within Three Months previously has been employed in any *British* Ship shall be deemed to be Offences of the same Nature respectively, and be liable to the same Punishments respectively, and be inquired of, heard, tried, determined, and adjudged in the same Manner and by the same Courts and in the same Places as if such Offences had been committed within the Jurisdiction of the Admiralty of *England*; and the Costs and Expenses of the Prosecution of any such Offence may be directed to be paid as in the Case of Costs and Expenses of Prosecutions for Offences committed within the Jurisdiction of the Admiralty of *England*.

Conveyance of Offenders and Witnesses to United Kingdom or some British Possession.

268. The following Rules shall be observed with respect to Offences committed on the High Seas or abroad; (that is to say,)

(1.) Whenever any Complaint is made to any *British* Consular Officer of any of the Offences mentioned in the last preceding Section, or of any Offence on the High Seas having been committed by any Master, Seaman, or Apprentice belonging to any *British* Ship, such Consular Officer may inquire into the Case upon the Oath, and may if the Case so requires take any Steps in his Power for the Purpose of placing the Offender under necessary Restraint and of sending him as soon as practicable in safe Custody to the United Kingdom, or to any *British* Possession in which there is a Court capable of taking cognizance of the Offence, in any Ship belonging to Her Majesty or to any of Her Subjects, to be there proceeded against according to Law:

(2.) For the Purpose aforesaid such Consular Officer may order the Master of any Ship belonging to any Subject of Her Majesty bound to the United Kingdom or to such *British* Pos-

Crimes committed abroad.

session as aforesaid to receive and afford a Passage and Subsistence during the Voyage to any such Offender as aforesaid, and to the Witnesses, so that such Master be not required to receive more than One Offender for every One hundred Tons of his Ship's registered Tonnage, or more than One Witness for every Fifty Tons of such Tonnage; and such Consular Officer shall indorse upon the Agreement of the Ship such Particulars with respect to any Offenders or Witnesses sent in her as the Board of Trade requires:

(3.) Every such Master shall on his Ship's Arrival in the United Kingdom, or in such *British* Possession as aforesaid, give every Offender so committed to his Charge into the Custody of some Police Officer or Constable, who shall take the Offender before a Justice of the Peace or other Magistrate by Law empowered to deal with the Matter, and such Justice and Magistrate shall deal with the Matter as in Cases of Offences committed upon the High Seas:

And any such Master as aforesaid who, when requried by any *British* Consular Officer to receive and afford a Passage and Subsistence to any Offender or Witness, does not receive him and afford such Passage and Subsistence to him, or who does not deliver any Offender committed to his Charge into the Custody of some Police Officer or Constable as herein-before directed, shall for each such Offence incur a Penalty not exceeding Fifty Pounds; and the Expense of imprisoning any such Offender and of conveying him and the Witnesses to the United Kingdom or to such *British* Possession as aforesaid in any Manner other than in the Ship to which they respectively belong, shall be Part of the Costs of the Prosecution, or be paid as Costs incurred on account of seafaring Subjects of Her Majesty left in distress in foreign Parts.

Inquiry into Cause of Death on board.

269. Whenever any Case of Death happens on board any Foreign-going Ship, the Shipping Master shall on the Arrival of such Ship at the Port where the Crew is discharged inquire into the Cause of such Death, and shall make on the List of the Crew delivered to

him as herein required an Indorsement to the Effect either that the Statement of the Cause of Death therein contained is in his Opinion true or otherwise, as the Result of the Inquiry requires; and every such Shipping Master shall for the Purpose of such Inquiry have the Powers hereby given to Inspectors appointed by the Board of Trade under the First Part of this Act; and if in the course of such Inquiry it appears to him that any such Death as aforesaid has been caused by Violence or other improper Means, he shall either report the Matter to the Board of Trade, or, if the Emergency of the Case so requires, shall take immediate Steps for bringing the Offender or Offenders to Justice. *Crimes committed abroad.*

Depositions to be received in Evidence when Witness cannot be produced.

270. Whenever in the course of any legal Proceedings instituted in any Part of Her Majesty's Dominions before any Judge or Magistrate, or before any Person authorized by Law or by Consent of Parties to receive Evidence, the Testimony of any Witness is required in relation to the Subject Matter of such Proceeding; then upon due Proof, if such Proceeding is instituted in the United Kingdom, that such Witness cannot be found in that Kingdom, or if in any *British* Possession, that he cannot be found in the same possession, any Deposition that such Witness may have previously made on Oath in relation to the same Subject Matter before any Justice or Magistrate in Her Majesty's Dominions, or any *British* Consular Officer elsewhere, shall be admissible in Evidence subject to the following Restrictions; (that is to say,)

(1.) If such Deposition was made in the United Kingdom, it shall not be admissible in any Proceeding instituted in the United Kingdom:

(2.) If such a Deposition was made in any *British* Possession, it shall not be admissible in any Proceeding instituted in the same *British* Possession:

(3.) If the Proceeding is Criminal it shall not be admissible unless it was made in the Presence of the Person accused:

Every Deposition so made as aforesaid shall be authenticated by the Signature of the Judge, Magistrate, or Consular Officer, before

Crimes committed abroad.

whom the same is made; and such Judge, Magistrate, or Consular Officer shall, when the same is taken in a Criminal Matter, certify, if the Fact is so, and that the accused was present at the taking thereof, but it shall not be necessary in any Case to prove the Signature or official Character of the Person appearing to have signed any such Deposition; and in any Criminal Proceeding such Certificate as aforesaid shall, unless the contrary is proved, be sufficient Evidence of the accused having been present in manner thereby certified; but nothing herein contained shall affect any Case in which Depositions taken in any Proceeding are rendered admissible in Evidence by any Act of Parliament, or by any Act or Ordinance of the Legislature of any Colony, so far as regards such Colony, or to interfere with the Power of any Colonial Legislature to make such Depositions admissible in Evidence, or to interfere with the Practice of any Court in which Depositions not authenticated as herein-before mentioned are admissible.

Registration of and Returns respecting Seamen.

Registration and Returns respecting Seamen.

Establishment of Register Office.

271. There shall be in the Port of *London* an Office, to be called the "General Register and Record Office of Seamen" and the Board of Trade shall have Control over the same, and may appoint and from Time to Time remove a Registrar General, and such Assistants, Clerks and Servants as may be necessary, and may from Time to Time, with the Consent of the Treasury, regulate their Salaries and Allowances; and such Salaries and Allowances, and all other necessary Expenses, shall be paid by the Treasury out of any Monies to be granted by Parliament for that Purpose; and the Board of Trade may direct the Business of the Register Office at any of the Outports to be transacted at the Shipping Office, or, with the Consent of the Commissioners of Customs, at the Custom House of the Port, and may appoint the Shipping Master, or, with such Consent as aforesaid, some Officer of Customs, to conduct the same; and such Business shall thereupon be conducted

accordingly, but shall in all Cases be subject to the immediate Control of the Board of Trade.

Registration and Returns respecting Seamen.

Register of Seamen to be kept.

272. The said Registrar General of Seamen shall by means of the Agreements, Lists, and other Papers to be transmitted to him as herein directed, or by such other Means as are in his Power, keep a Register of all Persons who serve in Ships subject to the Provisions of this Act.

Lists to be made for all Ships, containing certain Particulars.

273. Every Master of every Foreign-going Ship of which the Crew is discharged in the United Kingdom, in whatever Part of Her Majesty's Dominions the same is registered, and of every Home Trade Ship, shall make out and sign a List in a Form sanctioned by the Board of Trade, containing the following Particulars; (that is to say,)

(1.) The Number and Date of the Ship's Register and her registered Tonnage:

(2.) The Length and general Nature of the Voyage or Employment:

(3.) The Christian Names, Surnames, Ages, and Places of Birth of all the Crew, including the Master and Apprentices; their Qualities on board, their last Ships or other Employments, and the Dates and Places of their joining the Ship:

(4.) The Names of any Members of the Crew who have died or otherwise ceased to belong to the Ship, with the Times, Places, Causes, and Circumstances thereof:

(5.) The Names of any Members of the Crew who have been maimed or hurt, with the Times, Places, Causes, and Circumstances thereof:

(6.) The Wages due to any of the Crew who have died, at the Times of their respective Deaths:

(7.) The Clothes and other Effects belonging to any of the Crew who have died, with a Statement of the Manner in which they have been dealt with, and the Money for which any of them have been sold:

Registration and Returns respecting Seamen.

(8.) The Name, Age, and Sex of every Person, not being one of the Crew, who dies on board, with the Date and the Cause thereof:

(9.) Every Birth which happens on board, with the Date thereof, the Sex of the Infant, and the Names of the Parents;

(10.) Every Marriage which takes place on board, with the Date thereof, and the Names and Ages of the Parties.

List for Foreign-going Ships to be delivered to Shipping Master on Arrival.

274. In the Case of Foreign-going Ships, the Master shall, within Forty-eight Hours after the Ship's Arrival at her final Port of Destination in the United Kingdom, or upon the Discharge of the Crew, whichever first happens, deliver to the Shipping Master before whom the Crew is discharged such List as herein-before required, and if he fails so to do shall for every Default incur a Penalty not exceeding Five Pounds; and such Shipping Master shall thereupon give to the Master a Certificate of such Delivery; and no Officer of Customs shall clear Inwards any Foreign-going Ship without the Production of such Certificate, and any such Officer may detain any such Ship until the same is produced.

Lists to be delivered by Home Trade Ships half-yearly.

275. The Master or Owner of every Home Trade Ship shall, within Twenty-one Days after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year, transmit or deliver to some Shipping Master in the United Kingdom such List as herein-before required for the preceding Half Year, and shall in default incur a Penalty not exceeding Five Pounds; and such Shipping Master shall give to the Master or Owner a Certificate of such Transmission or Delivery; and no Officer of Customs shall grant a Clearance or Transire for any Home Trade Ship without the Production of such Certificate, and any such Officer may detain any such Ship until the same is produced.

List to be sent home in case of Transfer of Ship and in case of Loss.

276. If any Ship ceases by reason of Transfer of Ownership or Change of Employment to fall within the Definition of a Foreign-going or of a Home Trade Ship, the Master or Owner thereof shall, if such Ship is then in the United Kingdom, within One Month,

and if she is elsewhere, within Six Months, deliver or transmit to the Shipping Master at the Port to which the Ship has belonged such List as herein-before mentioned, duly made out to the Time, at which she ceased to be a Foreign-going or Home Trade Ship, and in default shall for each Offence incur a Penalty not exceeding Ten Pounds; and if any Ship is lost or abandoned, the Master or Owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the Shipping Master at the Port to which the Ship belonged such List as herein-before mentioned duly made out to the Time of such Loss or Abandonment, and in default shall for each Offence incur a Penalty not exceeding Ten Pounds.

Registration and Returns respecting Seamen.

Shipping Masters and other Officers to transmit Documents to Registrar. Registrar to permit Inspection, to produce Originals and give Copies.

277. All Shipping Masters and Officers of Customs shall take charge of all Documents which are delivered or transmitted to or retained by them in pursuance of this Act, and shall keep them for such Time (if any) as may be necessary for the Purpose of settling any Business arising at the Place where such Documents come into their Hands, or for any other proper Purpose, and shall, if required, produce them for any of such Purposes, and shall then transmit them to the Registrar General of Seamen, to be by him recorded and preserved; and the said Registrar shall, on Payment of a moderate Fee to be fixed by the Board of Trade, or without Payment of any Fee if the Board of Trade so directs, allow any Person to inspect the same; and in Cases in which the Production of the Original of any such Document in any Court of Justice or elsewhere is essential, shall produce the same, and in other Cases shall make and deliver to any Person requiring it a certified Copy of any such Document or of any Part thereof; and every Copy purporting to be so made and certified shall be received in Evidence, and shall have all the Effect of the Original of which it purports to be a Copy.

Officers of Customs to make Returns of Ships to Registrar.

278. The Collector or Comptroller of Customs at every Port in the United Kingdom shall on or before the First Day of *February* and the First Day of *August* in every Year transmit to the Registrar General of Seamen a List of all Ships registered in such Port, and

Registration and Returns respecting Seamen.

also of all Ships whose Registers have been transferred or cancelled in such Port since the last preceding Return.

Agreements, Indentures, and Assignments, on Arrival at a Foreign Port to be deposited with the Consul, and at a Colony with the Officers of Customs.

279. The following Rules shall be observed with respect to the Delivery of Documents to *British* Consular Officers; (that is to say,)

(1.) Whenever any Ship, in whatever Part of Her Majesty's Dominions the same is registered, (except Ships whose Business for the Time being is to carry Passengers,) arrives at any Foreign Port where there is a *British* Consular Officer, or at any Port in any *British* Possession abroad, and remains thereat for Forty-eight Hours, the Master shall, within Forty-eight Hours of the Ship's Arrival, deliver to such Consular Officer, or to the Chief Officer of Customs, (as the Case may be,) the Agreement with the Crew, and also all Indentures and Assignments of Apprenticeships, or, in the Case of a Ship belonging to a *British* Possession, such of the said Documents as such Ship is provided with:

(2.) Such Officer shall keep such Documents during the Ship's Stay in such Port, and, in Cases where any Indorsements upon the Agreement are hereby required, shall duly make the same and shall return the said Documents to the Master a reasonable Time before his Departure, with a Certificate indorsed on the Agreement, stating when the same were respectively delivered and returned:

(3.) If it appears that the required Forms have been neglected, or that the existing Laws have been transgressed, such Officer shall make an Indorsement to that Effect on the Agreement, and forthwith transmit a Copy of such Indorsement, with the fullest Information he can collect regarding such Neglect or Transgression, to the Registrar General of Seamen:

And if any Master fails to deliver any such Document as aforesaid he shall for every such Default incur a Penalty not exceeding Twenty Pounds; and in any Prosecution for such Penalty it shall lie upon the Master either to produce the Certificate of the Con-

sular Officer or Officer of Customs herein-before required, or to prove that he duly obtained the same, or that it was impracticable for him so to do. *Registration and Returns respecting Seamen.*

Official Logs.

Official Logs.

280. The Board of Trade shall sanction Forms of Official Log Books, which may be different for different Classes of Ships, so that each such Form contains Blanks for the entries herein-after required; and in Official Log of every Ship (except Ships employed exclusively in trading between Ports on the Coasts of the United Kingdom) shall be kept in the appropriate sanctioned Form; and such Official Log may, at the Discretion of the Master or Owner, either be kept distinct from the ordinary Ship's Log or united therewith, so that in all Cases all the Blanks in the Official Log be duly filled up. **Official Logs to be kept in Forms sanctioned by Board of Trade.**

281. Every Entry in every Official Log shall be made as soon as possible after the Occurrence to which it relates, and if not made on the same Day as the Occurrence to which it relates, shall be made and dated so as to show the Date of the Occurrence and of the Entry respecting it; and in no Case shall any Entry therein in respect of any Occurrence happening previously to the Arrival of the Ship at her final Port of Discharge be made more than Twenty-four Hours after such Arrival. **Entries to be made in due Time.**

282. Every Master of a Ship for which an Official Log Book is hereby required shall make or cause to be made therein Entries of the following Matters; (that is to say,) **Entries required in Official Log.**

(1.) Every legal Conviction of any Member of his Crew, and the Punishment inflicted: **Convictions.**

(2.) Every Offence committed by any Member of his Crew for which it is intended to prosecute, or to enforce a Forfeiture, or to exact a Fine, together with such Statement concerning the reading over such Entry, and concerning the Reply (if any) made to the Charge, as herein-before required: **Offences.**

Official Logs.

Punishments. (3.) Every Offence for which Punishment is inflicted on board, and the Punishment inflicted:

Conduct, &c., of Crew. (4.) A Statement of the Conduct, Character, and Qualifications of each of his Crew, or a Statement that he declines to give an Opinion on such Particulars:

Illnesses and Injuries. (5.) Every Case of Illness or Injury happening to any Member of the Crew, with the Nature thereof, and the Medical Treatment adopted (if any):

Deaths. (6.) Every Case of Death happening on board, and of the Cause thereof:

Births. (7.) Every Birth happening on board, with the Sex of the Infant and the Names of the Parents:

Marriages. (8.) Every Marriage taking place on board, with the Names and Ages of the Parties:

Quitting Ship. (9.) The Name of every Seaman or Apprentice who ceases to be a Member of the Crew, otherwise than by Death, with the Place, Time, Manner, and Cause thereof:

Wages of Men entering Navy. (10.) The Amount of Wages due to any Seaman who enters Her Majesty's Service during the Voyage:

Wages of deceased Seamen. (11.) The Wages due to any Seaman or Apprentice who dies during the Voyage, and the gross Amount of all Deductions to be made therefrom:

Sale of deceased Men's Effects. (12.) The Sale of the Effects of any Seaman or Apprentice who dies during the Voyage, including a Statement of each Article sold, and of the Sum received for it:

Collisions. (13.) Every Collision with any other Ship, and the Circumstances under which the same occurred.

Entries how to be signed. 283. The Entries hereby required to be made in Official Log Books shall be signed as follows; that is to say, every such Entry shall be signed by the Master and by the Mate or some other of the Crew, and every Entry of Illness, Injury, or Death shall be also signed by the Surgeon or Medical Practitioner on board (if any); and every Entry of Wages due to or of the Sale of the Effects of any Seaman or Apprentice who dies shall be signed by

the Master and by the Mate and some other Member of the Crew; and every Entry of Wages due to any Seaman who enters Her Majesty's Service shall be signed by the Master, and by the Seaman or by the Officer authorized to receive the Seaman into such Service. *Official Logs.*

284. The following Offences in respect of Official Log Books shall be punishable as herein-after mentioned; (that is to say,) **Penalties in respect of Official Logs.**

(1.) If in any Case an Official Log Book is not kept in the Manner hereby required, or if any Entry hereby directed to be made in any such Log Book is not made at the Time and in the manner hereby directed, the Master shall for each such Offence incur the specific Penalty herein mentioned in respect thereof, or where there is no such specific Penalty, a Penalty not exceeding Five Pounds:

(2.) Every Person who makes or procures to be made or assists in making any Entry in any Official Log Book in respect of any Occurrence happening previously to the Arrival of the Ship at her final Port of Discharge more than Twenty-four Hours after such Arrival, shall for each such Offence incur a Penalty not exceeding Thirty Pounds:

(3.) Every Person who wilfully destroys or mutilates or renders illegible any Entry in any Official Log Book, or who wilfully makes or procures to be made or assists in making any false or fraudulent Entry or Omision in any such Log Book, shall for each such Offence be deemed guilty of a Misdemeanor.

285. All Entries made in any Official Log Book as herein-before directed shall be received in Evidence in any Proceeding in any Court of Justice, subject to all just Exceptions. **Entries in Official Logs to be received in Evidence.**

286. In the Case of Foreign-going Ships the Master shall, within Forty-eight Hours after the Ship's Arrival at her final Port of Destination in the United Kingdom, or upon the Discharge of the Crew, whichever first happens, deliver to the Shipping Master before whom the Crew is discharged the Official Log Book of the Voyage; and the Master or Owner of every Home Trade Ship, not **Official Logs to be delivered to Shipping Master.**

Official Log.

exclusively employed in trading between Ports on the Coasts in the United Kingdom, shall within Twenty-one Days after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year transmit or deliver to some Shipping Master in the United Kingdom the Official Log Book for the preceding Half Year; and every Master Owner who refuses or neglects to deliver his Official Log Book as hereby required shall be subject to the same Consequences and Liabilities to which he is hereby made subject for the Non-delivery of the List of his Crew herein-before mentioned.

Official Logs to be sent home in case of Transfer of Ship, and in case of Loss.

287. If any Ship ceases by reason of Transfer of Ownership or Change of Employment to fall within the Definition of a Foreign-going or of a Home Trade Ship, the Master or Owner thereof shall if such Ship is then in the United Kingdom, within One Month, and if she is elsewhere, within Six Months, deliver or transmit to the Shipping Master at the Port to which the Ship belonged the Official Log Book (if any) duly made out to the Time at which she ceased to be a Foreign-going or Home Trade Ship, and in default shall for each Offence incur a Penalty not exceeding Ten Pounds; and if any Ship is lost or abandoned, the Master or Owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the Shipping Master at the Port to which the Ship belonged the Official Log Book (if any) duly made out to the Time of such Loss or Abandonment, and in default shall for each Offence incur a Penalty not exceeding Ten Pounds.

East Indies and Colonies.

East Indies and Colonies.

Provisions of Act, as applied by East Indian and Colonial Governments to their own Ships, may be enforced

288. If the Governor General of *India* in Council, or the respective Legislative Authorities in any *British* Possession abroad, by any Acts, Ordinances, or other appropriate legal Means, apply or adapt any of the Provisions in the Third Part of this Act contained to any *British* Ships registered at, trading with, or being at any Place within their respective Jurisdictions, and to the Owners,

Masters, Mates, and Crews thereof, such Provisions, when so applied and adapted as aforesaid, and as long as they remain in force, shall in respect of the Ships and Persons to which the same are applied be enforced, and Penalties and Punishments for the Breach thereof shall be recovered and inflicted, throughout Her Majesty's Dominions, in the same Manner as if such Provisions had been hereby so adopted and applied, and such Penalties and Punishments had been hereby expressly imposed.

East Indies and Colonies.

throughout the Empire.

289. Every Act, Ordinance, or other Form of Law to be passed or promulgated by the Governor General of *India* in Council, or by any other Legislative Authority, in pursuance of this Act, shall respectively be subject to the same Right of Disallowance or Repeal and require the same Sanction or other Acts and Formalities, and be subject to the same Conditions in all respects, as exist and are required in order to the Validity of any other Act, Ordinance, or other Form of Law passed by such Governor General in Council or other Legislative Authority respectively.

East Indian and Colonial Acts to be subject to Disallowance, and require Sanction as in other Cases.

290. If in any Matter relating to any Ship or to any Person belonging to any Ship there appears to be a Conflict of Laws, then, if there is in the Third Part of this Act any Provision on the Subject which is hereby expressly made to extend to such Ship, the Case shall be governed by such Provision, and if there is no such Provision the Case shall be governed by the Law of the Place in which such Ship is registered.

Conflict of Laws.

PART IV.

SAFETY AND PREVENTION OF ACCIDENTS.

Application.

Application.

Application of Part IV. of Act.

291. The Fourth Part of this Act shall apply to all *British* Ships; and all Foreign Steam Ships carrying Passengers between

Application. Places in the United Kingdom shall be subject to all the Provisions contained in the Fourth Part of this Act, and likewise to the same Provisions with respect to the Certificates of the Masters and Mates thereof to which *British* Steam Ships are subject.

Boats for Sea-going Ships.

Boats for Sea-going Ships.

Rules as to Boats and Life Buoys.

292. The following Rules shall be observed with respect to Boats and Life Buoys; (that is to say,)

(1.) No decked Ship (except Ships used solely as Steam Tugs and Ships engaged in the Whale Fishery) shall proceed to Sea from any Place in the United Kingdom, unless she is provided, according to her Tonnage, with Boats duly supplied with all Requisites for Use, and not being fewer in Number nor less in their Cubic Contents than the Boats the Number and Cubic Contents of which are specified in the Table marked S. in the Schedule hereto for the Class to which such Ship belongs:

(2.) No Ship carrying more than Ten Passengers shall proceed to Sea from any Place in the United Kingdom, unless, in addition to the Boats herein-before required, she is also provided with a Life Boat furnished with all Requisites for Use, or unless One of her Boats herein-before required is rendered buoyant after the Manner of a Life Boat:

(3.) No such Ship as last aforesaid shall proceed to Sea unless she is also provided with Two Life Buoys:

And such Boats and Life Buoys shall be kept so as to be at all Times fit and ready for Use: Provided, that the Enactments with respect to Boats and Life Buoys herein contained shall not apply in any Case in which a Certificate has been duly obtained under the Tenth Section of the "Passengers Act, 1852."

15 & 16 Vict. c. 44. s. 10.

Penalties on Masters and Owners, &c. neglecting to provide Boats and Life Buoys.

293. In any of the following Cases, (that is to say,)

(1.) If any Ship herein-before required to be provided with Boats or Life Buoys proceeds to Sea without being so provided therewith, or if any of such Boats or Life Buoys are lost or

rendered unfit for Service in the course of the Voyage through the wilful Fault or Negligence of the Owner or Master; or, *Boats for Sea-going Ships.*

(2.) If, in case of any of such Boats or Life Buoys being accidentally lost or injured in the course of the Voyage, the Master wilfully neglects to replace or repair the same on the first Opportunity; or,

(3.) If such Boats and Life Buoys are not kept so as to be at all Times fit and ready for Use;

Then if the Owner appears to be in fault he shall incur a Penalty not exceeding One hundred Pounds, and if the Master appears to be in fault he shall incur a Penalty not exceeding Fifty Pounds.

294. No Officer of Customs shall grant a Clearance or Transire for any Ship herein-before required to be provided with Boats or with Life Buoys unless the same is duly so provided; and if any such Ship attempts to go to Sea without such Clearance or Transire any such Officer may detain her until she is so provided. **Officers of Customs not to clear Ships not complying with the above Provisions.**

Lights and Fog Signals, and Meeting and Passing. *Rules as to Lights, Meeting and Passing.*

295. The following Rules shall be observed with regard to Lights and Fog Signals; (that is to say,) **Regulations as to Lights and Fog Signals.**

(1.) The Admiralty shall from Time to Time make Regulations requiring the Exhibition of such Lights, by such Classes of Ships, whether Steam or Sailing Ships, within such Places and under such Circumstances as they think fit, and may from Time to Time revoke, alter, or vary the same:

(2.) The Admiralty may, if they think fit, make Regulations requiring the Use of such Fog Signals, by such Classes of Ships, whether Steam or Sailing Ships, within such Places and under such Circumstances as they think fit, and may from Time to Time revoke, alter, or vary the same:

(3.) All Regulations made in pursuance of this Section shall be published in the *London Gazette*, and shall come into operation on a Day to be named in the *Gazette* in which they are

Rules as to Lights, Meeting, and Passing.

published, and the Admiralty shall cause all such Regulations to be printed, and shall furnish a Copy thereof to any Owner or Master of a Ship who applies for the same, and Production of the *Gazette* containing such Regulations shall be sufficient Evidence of the due making and Purport thereof :

(4.) All Owners and Masters shall be bound to take notice of the same, and shall, so long as the same continue in force exhibit such Lights, and use such Fog Signals, at such Times, within such Places, in such Manner, and under such Circumstances as are enjoined by such Regulations, and shall not exhibit any other Lights or use any other Fog Signals, and in case of Default the Master, or the Owner of the Ship, if it appears that he was in fault, shall for each Occasion upon which such Regulations are infringed incur a Penalty not exceeding Twenty Pounds.

Rule as to Ships meeting each other.

296. Whenever any Ship, whether a Steam or Sailing Ship, proceeding in one Direction, meets another Ship, whether a Steam or Sailing Ship, proceeding in another Direction, so that if both Ships were to continue their respective Courses they would pass so near as to involve any Risk of a Collision, the Helms of both Ships shall be put to Port so as to pass on the Port Side of each other; and this Rule shall be obeyed by all Steam Ships and by all Sailing Ships whether on the Port or Starboard Tack, and whether close-hauled or not, unless the Circumstances of the Case are such as to render a Departure from the Rule necessary in order to avoid immediate Danger, and subject also to the Proviso that due Regard shall be had to the Dangers of Navigation, and, as regards Sailing Ships on the Starboard Tack close-hauled, to the keeping such Ships under Command.

Rule for Steamers in narrow Channels.

297. Every Steam Ship, when navigating any narrow Channel, shall, whenever it is safe and practicable, keep to that Side of the Fairway or Mid-channel which lies on the Starboard Side of such Steam Ship.

298. If in any Case of Collision it appears to the Court before which the case is tried that such Collision was occasioned by the Non-observance of any Rule for the Exhibition of Lights or the Use of Fog Signals issued in pursuance of the Powers herein-before contained, or of the foregoing Rule as to the passing of Steam and Sailing Ships, or of the foregoing Rule as to a Steam Ship keeping to that Side of a narrow Channel which lies on the Starboard Side, the Owner of the Ship by which such Rule has been infringed shall not be entitled to recover any Recompence whatever for any Damage sustained by such Ship in such Collision, unless it is shown to the satisfaction of the Court that the Circumstances of the Case made a Departure from the Rule necessary.

Rules as to Light, Meeting and Passing.

If Collision ensues from Breach of the above Rules, Owner not to be entitled to recover.

299. In case any Damage to Person or Property arises from the Non-observance by any Ship of any of the said Rules, such Damage shall be deemed to have been occasioned by the wilful Default of the Person in charge of the Deck of such Ship at the Time, unless it is shown to the Satisfaction of the Court that the Circumstances of the Case made a Departure from the Rule necessary.

Breaches of such Rules to imply wilful Default.

Build and Equipment of Steam Ships.

Build and Equipment of Steam Ships.

300. The following Rules shall be observed with respect to the Build of Iron Steam Ships; (that is to say,)

(1.) Every Steam Ship built of Iron, of One hundred Tons or upwards the building of which commenced after the Twenty-eighth Day of *August* One thousand eight hundred and forty-six, and every Steam Ship built of Iron of less Burden than One hundred Tons the Building of which commenced after the Seventh Day of *August* One thousand eight hundred and fifty-one, (except Ships used solely as Steam Tugs,) shall be divided by substantial transverse Water-tight Partitions, so that the Fore Part of the Ship shall be separated from the Engine Room by One of such Partitions, and so that the After Part of such Ship shall be separated from the Engine Room by another of such Partitions:

Iron Steamers to be divided by Water-tight Partitions.

Build and Equipment of Steam Ships.

(2.) Every Steam Ship built of Iron the building of which commences after the passing of this Act, shall be divided by such Partitions as aforesaid into not less than Three equal Parts, or as nearly so as Circumstances permit :

(3.) In such last-mentioned Ships each such Partition as aforesaid shall be of equal Strength with the Side Plates of the Ship with which it is in contact :

(4.) Every Screw Steam Ship built of Iron, the building of which commences after the passing of this Act, shall, in addition to the above Partitions, be fitted with a small Water-tight Compartment inclosing the After-extremity of the Shaft :

Officers of Customs not to grant Certificates except so divided.

And no Officer of Customs or other Person shall grant a Clearance or Transire for any Iron Steam Ship required to be divided or fitted as aforesaid, unless the same is so divided and fitted ; and if any such Ship attempts to ply or go to Sea without such Clearance or Transire, any such Officer may detain her until she is so divided and fitted ; and if any Steam Ship herein-before required to be so divided or fitted plies or goes to Sea without being so divided or fitted, the Owner shall incur a Penalty not exceeding One hundred Pounds.

Equipment of Steam Ships.
Safety Valve.

301. Steam Ships shall be provided as follows ; (that is to say,)

(1.) Every Steam Ship of which a Survey is hereby required shall be provided with a Safety Valve upon each Boiler, so constructed as to be out of the Control of the Engineer when the Steam is up, and, if such Valve is in addition to the ordinary Valve, it shall be so constructed as to have an Area not less and a Pressure not greater than the Area of and Pressure on that Valve :

Compasses to be adjusted.

(2.) Every Sea-going Steam Ship employed to carry Passengers shall have her Compasses properly adjusted from Time to Time ; such Adjustment, in the Case of Ships surveyed as herein-after mentioned, to be made to the Satisfaction of the Shipwright Surveyor, and according to such Regulations as may be issued by the Board of Trade :

(3.) Every Sea-going Steam Ship (unless used solely as a Steam Tug) shall be provided with a Hose adapted for the Purpose of extinguishing Fire in any Part of the Ship and capable of being connected with the Engines of the Ship: *Build and Equipment of Steam Ships.* Fire Hose.

(4.) Every Sea-going Steam Ship employed to carry Passengers shall be provided with the following Means of making Signals of Distress; (that is to say,) Twelve Blue Lights or Twelve Port Fires, and One Cannon with Ammunition for at least Twelve Charges, or, in the Discretion of the Master or Owner of such Ship, with such other Means of making Signals (if any) as may have previously been approved by the Board of Trade: Signals.

(5.) Every Home Trade Steam Ship employed to carry Passengers by Sea shall be provided with such Shelter for the Protection of Deck Passengers (if any) as the Board of Trade, having regard to the Nature of the Passage, the Number of Deck Passengers to be carried, the Season of the Year, the Safety of the Ship, and the Circumstances of the Case, may require: Shelter for Deck Passengers.

And if any Steam Ship as aforesaid plies or goes to Sea from any Port in the United Kingdom without being so provided as hereinbefore required, then for each Default in any of the above Requisites the Owner shall (if he appears to be in fault) incur a Penalty not exceeding One hundred Pounds, and the Master shall (if he appears to be in fault) incur a Penalty not exceeding Fifty Pounds.

302. If any Person places an undue Weight on the Safety Valve of any Steam Ship, or, in the Case of Steam Ships surveyed as herein-after mentioned, increases such Weight beyond the Limits fixed by such Engineer Surveyor as herein-after mentioned, he shall, in addition to any other Liabilities he may incur by so doing, incur a Penalty not exceeding One hundred Pounds. Penalty for improper Weight on Safety Valve.

Survey of Passenger Steamers. *Survey of Passenger Steamers.*

303. For the Purpose of the Enactments herein contained with respect to Surveys and Certificates of Passenger Steam Ships, the Word "Passengers" shall be held to include any Persons carried Definition Passenger Steamer.

Survey of Passenger Steamers.

in a Steam Ship, other than the Master and Crew and the Owner, his Family and Servants; and the Expression "Passenger Steamer" shall be held to include every *British* Steam Ship carrying Passengers to, from, or between any Place or Places in the United Kingdom, excepting Steam Ferry Boats working in Chains, commonly called Steam Bridges.

Passenger Steamers to be surveyed.

304. Every Passenger Steamer shall be surveyed twice at the least in each Year in manner herein-after mentioned.

Board of Trade to appoint Surveyors, and fix their Remuneration.

305. The Board of Trade may from Time to Time appoint such Number of fit and proper Persons to be Shipwright Surveyors and Engineer Surveyors for the Purposes of this Act at such Ports or Places as it thinks proper, and may also appoint a Surveyor General for the United Kingdom, and may from Time to Time remove such Surveyors or any of them, and may from Time to Time fix and alter the Rates of Remuneration to be received by such Surveyors.

Surveyors to have Power to inspect.

306. It shall be lawful for the said Surveyors in the Execution of their Duties to go on board any Steam Ship at all reasonable Times, and to inspect the same or any Part thereof, or any of the Machinery, Boats, Equipments, or Articles on board thereof, or any Certificates of the Master or Mate to which the Provisions of this Act or any of the Regulations to be made by virtue thereof apply, not unnecessarily detaining or delaying the Ship from proceeding on any Voyage, and, if in consequence of any Accident to any such Ship or for any other Reason they consider it necessary so to do, to require the Ship to be taken into Dock for the Purpose of surveying the Hull thereof; and any Person who hinders any such Surveyor from going on board any such Steam Ship, or otherwise impedes him in the Execution of his Duty under this Act, shall incur a Penalty not exceeding Five Pounds.

Board of Trade to regulate Mode of making Surveys.

307. The said Surveyors shall execute their Duties under the Direction of the Board of Trade, and such Board shall make Regulations as to the Manner in which the Surveys herein-after mentioned shall be made, and as to the Notice to be given to the

Surveyors when Surveys are required, and as to the Amount and Payment of any travelling or other Expenses incurred by such Surveyors in the Execution of their Duties, and may thereby determine the Persons by whom and the Conditions under which such Payment shall be made.

Survey of Passenger Steamers.

Penalty on Surveyors receiving Fees unlawfully.

308. Every Surveyor who demands or receives directly or indirectly from the Owner or Master of any Ship surveyed by him under the Provisions of this Act any Fee or Remuneration whatsoever for or in respect of such Survey, otherwise than as the Officer and by the Direction of the Board of Trade, shall incur a Penalty not exceeding Fifty Pounds.

Owners to have Surveys made by Shipwright and Engineer Surveyors, and Surveyors to give Declarations.

309. The Owner of every Passenger Steamer shall cause the same to be surveyed at the Times herein-after directed by One of the said Shipwright Surveyors and by One of the said Engineer Surveyors so appointed as aforesaid; such Shipwright Surveyor being, in the Case of Iron Steamers, a Person who is in the Judgment of the Board of Trade properly qualified to survey such Ships; and such Surveyors shall thereupon, if satisfied that they can with Propriety do so, give to such Owner Declarations as follows:

The Declaration of the Shipwright Surveyor shall contain Statements of the following Particulars; (that is to say,)

(1.) That the Hull of the Ship is sufficient for the Service intended and in good Condition:

(2.) That the Partitions, Boats, Life Buoys, Lights, Signals, Compasses, and Shelter for Deck Passengers, and the Certificates of the Master and Mate or Mates, are such, and in such Condition, as required by this Act:

(3.) The Time (if less than Six Months) for which the said Hull and Equipments will be sufficient:

(4.) The Limits (if any) beyond which, as regards the Hull and Equipments, the Ship is in the Surveyor's Judgment not fit to ply:

(5.) The Number of Passengers which the Ship is in the Judgment of the Surveyor fit to carry, distinguishing, if necessary,

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between the respective Numbers to be carried on the Deck and in the Cabins, and in different Parts of the Deck and Cabins; such Numbers to be subject to such Conditions and Variations according to the Time of Year, the Nature of the Voyage, the Cargo carried, or other Circumstances, as the Case requires: And the Declaration of the Engineer Surveyor shall contain Statements of the following Particulars; (that is to say,)

(1.) That the Machinery of the Ship is sufficient for the Service intended, and in good Condition;

(2.) The Time (if less than Six Months) for which such Machinery will be sufficient:

(3.) That the Safety Valves and Fire Hose are such and in such Condition as are required by this Act:

(4.) The Limits of the Weight to be placed on the Safety Valves:

(5.) The Limits (if any) beyond which, as regards the Machinery, the Ship is in the Surveyor's Judgment not fit to ply:

And such Declarations shall be in such Form as the Board of Trade directs.

Transmission of Declarations to Board of Trade. Penalty for Delay.

310. The said Owner shall transmit such Declarations to the Board of Trade within Fourteen Days after the Dates of the Receipt thereof respectively; and in default shall forfeit a Sum not exceeding Ten Shillings for every Day that the sending of such Declarations is delayed; and such Sum shall be paid upon the Delivery of the Certificate herein-after mentioned in addition to the Fee payable for the same, and shall be applied in the same Manner as such Fees.

Times appointed for Surveys and Transmission of Declarations.

311. In all Cases where it is possible the said half-yearly Surveys shall be made in the Months of *April* and of *October*, and the Declarations shall be transmitted on or before the Thirtieth Day of *April* and the Thirty-first Day of *October* respectively; but if the Owner of any Passenger Steamer is unable to have the same surveyed in the Month of *April* or *October*, (as the Case may be,) either by reason of such Ship being absent from the United Kingdom during the whole of those Periods respectively, or by reason

of such Ship or the Machinery thereof being under Construction or Repair, or of such Ship being laid up in Dock, or for any other Reason satisfactory to the Board of Trade, then he shall have the same surveyed as aforesaid as soon thereafter as possible, and shall transmit such Declarations to the Board of Trade within Fourteen Days after the Receipt thereof, together with a Statement of the Reasons which have prevented the Survey of such Ship at the Time herein-before prescribed, and shall, in case of Delay in transmitting the Declarations, be liable to a Forfeiture similar to that mentioned in the last preceding Section.

Survey of Passenger Steamers.

312. Upon the Receipt of such Declarations the Board of Trade shall, if satisfied that the Provisions of the Fourth Part of this Act have been complied with, cause a Certificate in Duplicate to be prepared and issued to the Effect that the Provisions of the Law with respect to the Survey of the Ship and the Transmission of Declaration in respect thereof have been complied with; and such Certificate shall state the Limits (if any) beyond which according to the Declaration of the Surveyors, such Ship is not fit to ply, and shall also contain a Statement of the Number of Passengers which, according to the Declaration of the Shipwright Surveyor, such Ship is fit to carry, distinguishing (if necessary) between the respective Numbers to be carried on the Deck and in the Cabins and in different Parts of the Deck and Cabins, such Number to be subject to such Conditions and Variations according to the Time of Year, the Nature of the Voyage, the Cargo carried, and other Circumstances, as the Case requires.

Board of Trade to issue Certificates.

313. The Board of Trade shall transmit such duplicate Certificate to the Shipping Master or to some other public Officer at such Port as the Owner may mention for the Purpose or at the Port where the Owner or his Agent resides or where the Ship was surveyed and is for the Time being lying, and shall cause Notice of such Transmission to be given by Post or otherwise to the Master or Owner or his Agent; and the said Shipping Master or Officer shall deliver such duplicate Certificate to the said Owner, Master, or Agent

Issue and Transmission of Certificates.

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on his applying and paying the Fees and other Sums (if any) herein mentioned as payable in that Behalf; and in proving the due Issue and Transmission to the Owner, Agent, or Master of such Certificate, it shall be sufficient to show that the same has been duly received by such Shipping Master or Public Officer as aforesaid, and that due Notice of the Transmission thereof to such Shipping Master or Officer has been given to such Owner, Master, or Agent.

Fees to be paid for Certificates.

314. The Owner of every Passenger Steamer requiring a Certificate under the Fourth Part of this Act shall pay for every Certificate granted by the Board of Trade such Fees as such Board directs, not exceeding the Fees mentioned in the Table marked T. in the Schedule hereto.

How long Certificates to continue in force.

315. No Certificate shall be held to be in force for the Purposes of the Fourth Part of this Act beyond the Date fixed by the Board of Trade for the Expiration thereof; and no Certificate shall be in force after Notice is given by the Board of Trade to the Owner, Agent, or Master of the Ship to which the same relates, that such Board has cancelled or revoked the same: Provided, that if any Passenger Steamer is absent from the United Kingdom at the Time when her Certificate expires, no Penalty shall be incurred for the Want of a Certificate until she first begins to ply with Passengers after her next subsequent Return to the United Kingdom; and the Board of Trade may require any Certificate which has expired, or has been revoked or cancelled, to be delivered up as it directs; and any Owner or Master who, without reasonable Cause, neglects or refuses to comply with such Requirement, shall incur a Penalty not exceeding Ten Pounds.

Board of Trade may cancel Certificates, and require fresh Declarations.

316. The Board of Trade may revoke and cancel such Certificates in any Case in which it has Reason to believe,—

(1.) That the Declarations of the Sufficiency and good Condition of the Hull, Equipments, and Machinery of any Passenger Steamer, or either of them, have been fraudulently or erroneously made; or,

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(2.) That such Certificate has otherwise been issued upon false or erroneous Information; or,

(3.) That since the making of such Declarations the Hull, Equipments, or Machinery of such Ship have sustained any Injury, or are otherwise insufficient:

And in every such Case the Board of Trade may, if it thinks fit, require the Owner to have the Hull, Equipments or Machinery of such Ship again surveyed, and to transmit a further Declaration or Declarations of the Sufficiency and good Condition thereof, before re-issuing any Certificate or granting a fresh one in lieu thereof.

Copy of Certificate to be placed in conspicuous Part of Ship.

317. The Owner or Master of every Passenger Steamer shall forthwith on the Transmission of any such Certificate as aforesaid to him or his Agent cause One of the Duplicates thereof so transmitted to be put up in some conspicuous Part of the Ship, so as to be visible to all Persons on board the same, and shall cause it to be continued so put up so long as such Certificate remains in force and such Ship is in use; and in default such Owner or Master shall for every Offence incur a Penalty not exceeding Ten Pounds.

Ship not to proceed on her Voyage without Certificate.

318. It shall not be lawful for any Passenger Steamer to proceed to Sea or upon any Voyage or Excursion with any Passengers on board, unless the Owner thereof has transmitted to the Board of Trade the Declarations herein-before required, nor unless the Owner or Master thereof has received from such Board such a Certificate as herein-before provided for, such Certificate being a Certificate applicable to the Voyage or Excursion on which such Ship is about to proceed; and no Officer of Customs shall grant any Clearance or Transire for any Passenger Steamer unless upon the Production of such Certificate as aforesaid (being a Certificate then in force and applicable as aforesaid); and if any Passenger Steamer attempts to ply or go to Sea without such Production, any such Officer may detain her until such Certificate is produced; and if any Passenger Steamer plies or goes to Sea with any Passengers on board, without having One of the Duplicates of such Certificate as aforesaid (being a Certificate then in force, and applicable

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as aforesaid,) so put up as aforesaid in some conspicuous Part of the Ship, the Owner thereof shall for such Offence incur a Penalty not exceeding One hundred Pounds, and the Master of such Ship shall also incur a further Penalty not exceeding Twenty Pounds.

Penalty for carrying Passengers in Excess of Numbers specified in Certificate.

319. If the Owner or Master or other Person in charge of any Passenger Steamer receives on board thereof or on or in any Part thereof, or if such Ship has on board thereof or on or in any Part thereof, any Number of Passengers which having regard to the Time, Occasion and Circumstances of the Case, is greater than the Number of Passengers allowed by the Certificate, the Owner or Master shall incur a Penalty not exceeding Twenty Pounds, and also an additional Penalty not exceeding Five Shillings for every Passenger over and above the Number allowed by the Certificate, or, if the Fare of any of the Passengers on board exceeds Five Shillings not exceeding double the Amount of the Fares of all the Passengers who are over and above the Number so allowed as aforesaid, such Fares to be estimated at the highest Rate of Fare payable by any Passenger on board.

Forgery of Declaration or Certificate a Misdemeanor.

320. Every Person who knowingly and wilfully makes or assists in making or procures to be made a false or fraudulent Declaration or Certificate with respect to any Passenger Steamer requiring a Certificate under the Fourth Part of this Act, or who forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Declaration or Certificate required by the Fourth Part of this Act, or any Words or Figures in any such Declaration or Certificate, or any Signature thereto, shall be deemed guilty of a Misdemeanor.

Surveyors to make Returns of the Build and other Particulars of Steam Ships, and Owners and Masters to give In-

321. The said Surveyors shall from Time to Time make such Returns to the Board of Trade as it requires with respect to the Build, Dimensions, Draught, Burden, Rate of Sailing, Room for Fuel, and the Nature and Particulars of Machinery and Equipments of the Ships surveyed by them; and every Owner, Master, and Engineer of any such Ship shall, on Demand, give to such Surveyors

all such Information and Assistance within his Power as they require for the Purpose of such Returns; and every such Owner, Master, or Engineer who, on being applied to for that Purpose, wilfully refuses or neglects to give such Information or Assistance, shall be liable to a Penalty not exceeding Five Pounds.

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formation for that Purpose.

Misconduct by Passengers in Steamers.

Misconduct by Passengers in Steamers.

322. The following Offenders; (that is to say,)

Penalties on Persons forcing way on board; or

(1.) Any Person who, after having been refused Admission into any Steamer by the Owner or Person in charge thereof or by any Person in the Employ of the Owner thereof, on account of such Steamer being full, and after having had the full Amount of his Fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter the same; and

(2.) Any Person, having got on board any Steamer, who, upon being requested on the like Account by the Owner or Person in charge thereof or by any Person in the Employ of the Owner to leave such Steamer before the same has quitted the Place at which such Person got on board, and upon having the full Amount of his Fare (if he has paid the same) returned or tendered to him, refuses to comply with such Request,

refusing to quit the Ship.

Shall for each such Offence incur a Penalty not exceeding Forty Shillings, to be paid to the said Owner.

323. The following offenders; (that is to say,)

Penalty for avoiding Payment of Fares.

(1.) Any Person who travels or attempts to travel in any Passenger Steamer which has been duly surveyed in conformity with the Provisions of this Act, without having previously paid his Fare, and with Intent to avoid Payment thereof; and

(2.) Any Person who, having paid his Fare for a certain Distance, knowingly and wilfully proceeds in any such Steamer beyond such Distance, without previously paying the additional Fare for the additional Distance, and with Intent to avoid Payment thereof; and

Misconduct by Passengers in Steamers.

(3.) Any Person who knowingly and wilfully refuses or neglects, on arriving at the Point to which he has paid his Fare, to quit any such Steamer;

Shall for every such Offence incur a Penalty not exceeding Five Shillings, in addition to the Fare payable by him, such Penalty to be payable to the Owner of such Steamer.

Penalty on Persons refusing to give their Name and Address.

324. Every Person who, having committed any of the Offences mentioned in the Two last preceding Sections or either of them, refuses on Application of the Master of the Ship or of any other Person in the Employ of the Owner thereof to give his Name and Address, or who on such Application gives a false Name or Address, shall incur a Penalty not exceeding Twenty Pounds, to be paid to the said Owner.

Power to refuse or remove Passengers who are drunk or misconduct themselves.

325. The Master of any Home Trade Passenger Steam Ship may refuse to receive on board thereof any Person who by reason of Drunkenness or otherwise is in such a State, or misconducts himself in such a Manner, as to cause Annoyance to other Passengers on board, or if such Person is on board, may put him on shore at any convenient Place; and no Person so refused Admittance or put on shore shall be entitled to the Return of any Fare he may have paid.

Accidents.

Accidents.

Accidents to Steam Ships to be reported to Board of Trade.

326. Whenever any Steam Ship has sustained or caused any Accident occasioning Loss of Life or any serious Injury to any Person, or has received any material Damage affecting her Seaworthiness or her Efficiency either in her Hull or in any Part of her Machinery, the Owner or Master shall, within Twenty-four Hours after the happening of such Accident or Damage, or as soon thereafter as possible, send to the Board of Trade, by Letter signed by such Owner or Master, a Report of such Accident or Damage, and of the probable Occasion thereof, stating the Name of the Ship, the Port to which she belongs, and the Place where she is; and if such Owner or Master neglect so to do he shall for such Offence incur a Penalty not exceeding Fifty Pounds.

327. If the Owner of any Steam Ship have Reason, owing to the Nonappearance of such Ship, or to any other Circumstance, to apprehend that such Ship has been wholly lost, he shall as soon as conveniently may be send Notice thereof in like Manner to the Board of Trade, and if he neglect so to do within a reasonable Time he shall for such Offence incur a Penalty not exceeding Fifty Pounds.

Accidents.

Notice to be given of apprehended Loss of Steam Ships.

328. In every Case of Collision, in which it is practicable so to do, the Master shall immediately after the Occurrence cause a Statement thereof, and of the Circumstances under which the same occurred, to be entered in the Official Log Book (if any), such Entry to be signed by the Master, and also by the Mate or One of the Crew, and in default shall incur a Penalty not exceeding Twenty Pounds.

Collisions to be entered in Official Log.

Carrying dangerous Goods.

Carrying Dangerous Goods.

329. No Person shall be entitled to carry in any Ship, or to require the Master or Owner of any Ship to carry therein, any Aquafortis, Oil of Vitriol, Gunpowder, or any other Goods which, in the Judgment of such Master or Owner, are of a dangerous Nature; and if any Person carries or sends by any Ship any Goods of a dangerous Nature without distinctly marking their Nature on the Outside of the Package containing the same, or otherwise giving Notice in Writing to the Master or Owner at or before the Time of carrying or sending the same to be Shipped, he shall for every such Offence incur a Penalty not exceeding One hundred Pounds; and the Master or Owner of any Ship may refuse to take on board any Parcel that he suspects to contain Goods of a dangerous Nature, and may require them to be opened to ascertain the Fact.

Provisions to prevent the taking dangerous Goods on board without due Notice.

PART V.

PILOTAGE.

Application.

Application.

Application of Part V. of Act.

330. The Fifth Part of this Act shall apply to the United Kingdom only.

Powers of Pilotage Authorities (General).

Powers of Pilotage Authorities (General).

General Jurisdiction of Pilotage Authorities.

331. Every Pilotage Authority shall retain all Powers and Jurisdiction which it now lawfully possesses, so far as the same are consistent with the Provisions of this Act; but no Law relating to such Authority, or to the Pilots licensed by it, and no Act done by such Authority, shall, if inconsistent with any Provision of this Act, be of any Force whatever.

Power of Pilotage Authorities to make and extend Exemptions from compulsory Pilotage.

332. Every Pilotage Authority shall have Power, by Byelaw made with the Consent of Her Majesty in Council, to exempt the Masters of any Ships, or of any Classes of Ships, from being compelled to employ qualified Pilots, and to annex any Terms or Conditions to such Exemptions, and to revise and extend any Exemptions now existing by virtue of this Act or any other Act of Parliament, Law, or Charter, or by Usage, upon such Terms and Conditions and in such Manner as may appear desirable to such Authority.

Powers of Pilotage Authorities.

333. Subject to the Provisions contained in the Fifth Part of this Act, it shall be lawful for every Pilotage Authority, by Byelaw made with the Consent of Her Majesty in Council, from Time to Time to do all or any of the following Things within its District; (that is to say,)

To determine Qualifications of Pilots:

(1.) To determine the Qualifications to be required from Persons applying to be licensed as Pilots, whether in respect of their Age, Skill, Time of Service, Character, or otherwise;

(2.) To make Regulations as to the Approval and licensing of Pilot Boats and Ships, with Power to establish and regulate Companies for the support of such Boats and Ships, and for a Participation in the Profits made thereby; the Companies so established to be exempt from the Provisions of the Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter One hundred and ten, intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies.*

Powers of Pilotage Authorities (General).

To make Regulations as to Pilot Boats:

(3.) To make Regulations for the Government of the Pilots licensed by them, and for insuring their good Conduct, and their constant Attendance to and effectual Performance of their Duty, either at Sea or on shore:

To make Regulations for the Government of Pilots:

(4.) To fix the Terms and Conditions of granting Licences to Pilots and Apprentices, and of granting such Pilotage Certificates as herein-after mentioned to Masters and Mates, and to make Regulations for punishing any Breach of such Regulations as aforesaid committed by such Pilots or Apprentices or by such Masters and Mates by the Withdrawal or Suspension of their Licences or Certificates, as the Case may be, or by the Infliction of Penalties to be recoverable summarily before Two Justices, so that no such Penalty be made to exceed the Sum of Twenty Pounds, and so that every such Penalty be capable of Reduction at the Discretion of the Justices by whom the same is inflicted:

To make Regulations as to Licences and Certificates:

(5.) To fix the Rates and Prices or other Remuneration to be demanded and received for the Time being by Pilots licensed by such Authority, or to alter the Mode of remunerating such Pilots, in such Manner as such Authority may, with such Consent as aforesaid, think fit, so that no higher Rates or Prices be demanded or received from the Masters or Owners of Ships in the Case of the *Trinity House* than the Rates and Prices specified in the Table marked U. in the Schedule hereto; and in the Case of all other Pilotage Authorities, than the Rates

To alter and reduce Rates of Pilotage.

Powers of Pilotage Authorities (General).

and Prices which might have been lawfully fixed or demanded by such Pilotage Authorities respectively under any Act of Parliament, Charter, or Custom in force immediately before the Commencement of this Act:

To arrange the Limits of Pilotage Districts:

(6.) To make such Arrangements with any other Pilotage Authority for altering the Limits of their respective Districts, and for extending the Powers of such other Authority or the Privileges of the Pilots licensed by such other Authority or any of them to all or any Part of its own District, or for limiting its own Powers or the Privileges of its own Pilots or any of them, or for sharing the said last-mentioned Powers and Privileges with the said other Authority and the Pilots licensed by it, or for delegating or surrendering such Powers and Privileges or any of them to any other Pilotage Authority either already constituted or to be constituted by Agreement between such Authorities, and to the Pilots licensed by it, as may appear to such Pilotage Authorities to be desirable for the Purpose of facilitating Navigation or of reducing Charges on Shipping:

To establish Funds for superannuated Pilots:

(7.) To establish, either alone or in conjunction with any other Pilotage Authority or Authorities, Funds for the Relief of superannuated or infirm qualified Pilots, or of their Wives, Widows, or Children, or to make any new Regulations with respect to any Funds already applicable to the above Purposes or any of them, with Power to determine the Amount, Manner, Time, and Persons (such Persons to be in the Service of such Pilotage Authority) to and in which and by and upon whom the Contributions in support of such existing or future Funds may be made or levied; and further, to declare the Persons or Class of Persons, (such Persons or Class of Persons being confined to Men in the Service of such Pilotage Authority, their Wives, Widows, or Children,) entitled to participate in the Benefits of such existing or future Funds, and the Terms and Conditions upon which they are to be so entitled:

(8.) To repeal or alter any Byelaw made in exercise of the above Powers, and to make a new Byelaw or new Byelaws in lieu thereof: *Powers of Pilotage Authorities (General).*

And every Byelaw duly made by any Pilotage Authority in exercise of the Powers hereby given to it, shall be valid and effectual, notwithstanding any Act of Parliament, Rule, Law, or Custom to the contrary. **To alter Byelaws.**

334. Every Byelaw proposed to be enacted by any Pilotage Authority in pursuance of the foregoing Powers shall, before it is submitted to Her Majesty in Council for Her Assent, be published in such Manner as may from Time to Time be prescribed by the Board of Trade. **Publication of Byelaws.**

335. Every Order in Council made in pursuance of the Provisions herein-before contained shall be laid before both Houses of Parliament as soon as possible after the making thereof. **Byelaws to be laid before Parliament.**

336. If the greater Part in Number of the qualified Pilots belonging to any Port, or the Local Marine Board, where there is one, or at any Port where there is no Local Marine Board, if any Masters, Owners, or Insurers of Ships, being not less than Six in Number, consider themselves aggrieved by any Regulation or Byelaw in force when this Act comes into operation or hereafter made under some Authority other than the Provisions of this Act, or by any Defect or Omission therein, they may appeal to the Board of Trade, and the said Board may thereupon revoke or alter any such Regulation or Byelaw or may make Additions thereto in such Manner as, having regard to the Interests of the Persons concerned, may appear to be just and expedient; and every Order so made shall be conclusive in the Matter. **Power of Appeal to Board of Trade.**

Returns by Pilotage Authorities (General).

Returns by Pilotage Authorities (General).

337. Every Pilotage Authority shall deliver periodically to the Board of Trade, in such Form and at such Times as such Board requires, Returns of the following Particulars with regard to **Pilotage Authorities to make full Returns to**

Returns by Pilotage Authorities (General).

the Board of Trade of certain Particulars connected with Pilotage.

Pilotage within the Port or District under the Jurisdiction of such Authority; (that is to say,)

(1.) All Byelaws, Regulations, Orders, or Ordinances relating to Pilots or Pilotage for the Time being in force:

(2.) The Names and Ages of all Pilots or Apprentices licensed or authorized to act by such Authority, and of all Pilots or Apprentices acting either mediately or immediately under such Authority, whether so licensed or authorized or not:

(3.) The Service for which each Pilot or Apprentice is licensed:

(4.) The Rates of Pilotage for the Time being in force, including therein the Rates and Descriptions of all Charges upon Shipping made for or in respect of Pilots or Pilotage:

(5.) The total Amount received for Pilotage, distinguishing the several Amounts received from *British* Ships and from Foreign Ships respectively, and the several Amounts received in respect of different Classes of Ships paying different Rates of Pilotage, according to the Scale of such Rates for the Time being in force, and the several Amounts received for the several Classes of Service rendered by Pilots; and also the Amount paid by such Ships (if any) as have before reaching the outer Limits of Pilotage Water if outward-bound, or their Port of Destination if inward-bound, to take or pay for Two or more Pilots, whether licensed by the same or by different Pilotage Authorities; together with the Numbers of the Ships of each of the several Classes paying such several Amounts as aforesaid:

(6.) The Receipt and Expenditure of all Monies received by or on behalf of such Authority, or by or on behalf of any Sub-Commissioners appointed by them, in respect of Pilots or Pilotage:

And shall allow the Board of Trade, or any Persons appointed by such Board for the Purpose, to inspect any Books or Documents in its Possession relating to the several Matters herein-before required to be returned to the Board of Trade.

338. If any of such Pilotage Authorities as aforesaid (other than the *Trinity House*, or Sub-Commissioners of Pilotage appointed by it, as herein-after mentioned,) fail to deliver to the Board of Trade the periodical Returns herein-before required within One Year of such Time as may be fixed by such Board for the Purpose, or if any of such Authorities do not allow the said Board, or any Persons who may be appointed by it for the Purpose, to inspect any Books or Documents in their Possession relating to the Matters herein-before required to be returned by them, it shall be lawful for her Majesty, by and with the Advice of Her Privy Council, to direct that all the Rights and Powers of such Authorities in respect of Pilotage shall cease or be suspended during such Time as Her Majesty directs; and thereupon the *Trinity House* shall thereafter or during such Time as such Suspension may continue, have and exercise the same Powers of appointing Sub-Commissioners of Pilotage, and of licensing Pilots, and of establishing and altering Rates of Pilotage, within the District within which the Authority so making default has previously appointed or licensed Pilots, as it is by this Act authorized to exercise in any District for which no particular Provision is made by any Act of Parliament or Charter for the Appointment of Pilots, and shall also during such Time as aforesaid have and exercise the same Rights, Title, and Powers to and in respect of any Pilotage Funds or other Pilotage Property which the said Pilotage Authorities would or might have had or exercised if not so suspended as aforesaid.

Returns by Pilotage Authorities (General).

If local Authorities fail to give the required Returns, their Jurisdiction may be transferred to the Trinity House.

339. The Board of Trade shall without Delay cause the several Returns herein-before required to be made to such Board to be laid before both Houses of Parliament.

Returns to be laid before Parliament.

Licensing of Masters and Mates (General).

Licensing of Masters and Mates (General).

340. The Master or Mate of any Ship may, upon giving due Notice, and consenting to pay the usual Expenses, apply to any Pilotage Authority to be examined as to his Capacity to pilot the

Master or Mate, if exa-

Licensing of Masters and Mates (General).

mined and passed, to receive a Pilotage Certificate, enabling him to pilot particular Ships

Ship of which he is Master or Mate, or any One or more Ships belonging to the same Owner, within any Part of the District over which such Pilotage Authority has Jurisdiction; and such Master or Mate shall, if such Authority thinks fit, thereupon be examined; and if found competent a Pilotage Certificate shall be granted to him, containing his Name, a Specification of the Ship or Ships in respect of which he has been examined, and a Description of the Limits within which he is to pilot the same, such Limits to be within such Jurisdiction as aforesaid; and such Certificate shall enable the Person therein named to pilot the Ship or any of the Ships therein specified, of which he is acting as Master or Mate at the Time, but no other, within the Limits therein described, without incurring any Penalties for the Non-employment of a qualified Pilot.

Renewal of Pilotage Certificate.

341. The Pilotage Certificate so granted shall not be in force for more than One Year, unless the same is renewed, which may from Time to Time be done by an Indorsement under the Hand of the Secretary or other proper Officer of the Authority by whom such Certificate was granted.

Board of Trade to examine and grant Pilotage Certificates to Mates on Pilotage Authorities refusing to do so.

342. If upon Complaint to the Board of Trade it appear to such Board that any such Authority as aforesaid has without reasonable Cause refused or neglected to examine any Master or Mate who has applied to them for the Purpose, or after he has passed the Examination has without reasonable Cause refused or neglected to grant him a Pilotage Certificate, or that the Examination of any such Master or Mate has been unfairly or improperly conducted, or that any Terms imposed or sought to be imposed by such Authority are unfair or improper, or that any Pilotage Certificate granted by such Authority has been improperly withdrawn, the Board of Trade may, if in its Judgment the Circumstances appear to require it, appoint Persons to examine such Master or Mate, and if he is found competent may grant him a Pilotage Certificate, containing the same Particulars as would have been inserted in any Certificate granted by such Pilotage

Authorities as aforesaid, upon such Terms and Conditions, and subject to such Regulations, as such Board may think fit; and such Certificate shall have the same Effect as if it had been granted by such Pilotage Authority as aforesaid; and such Certificate shall be in force for One Year, and may be renewed from Year to Year, either by the said Authorities in manner herein-before mentioned, or by the Board of Trade, if such Board thinks fit, such Renewal to be indorsed on the said Certificate, either by such Person as the Board of Trade may appoint for the Purpose, or in manner herein-before provided as to Certificates granted by any Pilotage Authority.

Licensing of Masters and Mates (General).

343. All Masters or Mates to or for whom any such Pilotage Certificates as aforesaid are granted or renewed by any Pilotage Authority shall pay to such Authority, or as it directs, such Fees upon their respective Certificates and upon the Renewals thereof as are from Time to Time fixed for that Purpose by such Authority, with the Consent of the Board of Trade; and all Masters and Mates to or for whom any such Certificates are granted or renewed by the Board of Trade shall pay to such Board, or as it directs, such Fees upon their Certificates and upon the Renewals thereof as may be fixed by such Board, so nevertheless that in the Case of Pilotage Certificates granted or renewed by the Board of Trade such Fees shall in no Case be less than the Fees payable by the qualified Pilots in the same District upon their Licences and the Renewal thereof; and such Fees shall in the Case of Certificates and Renewals granted by Pilotage Authorities be applicable either to paying the Expense of the Examinations, or any other general Expenses connected with Pilotage incurred by such Authorities, or to the Pilots' Superannuation Fund of the District (if any), or otherwise for the Benefit of the Pilots appointed by such Authorities, as such Authorities think fit; and such Fees shall in the Case of Pilotage Certificates granted or renewed by the Board of Trade be applicable to the Expense of the Examinations, and the Surplus (if any) shall be applied for the Benefit of the qualified

Fees to be paid upon such Certificates and the Renewals thereof.

Licensing of Masters and Mates (General).

Pilots of the Port or District to which such Certificates apply, in such Manner as such Board thinks it.

Power of withdraw Pilotage Certificates.

344. If at any Time it appears to the Board of Trade or to any Pilotage Authority that any Master or Mate to whom a Pilotage Certificate has been granted by such Board or Authority has been guilty of Misconduct, or has shown himself incompetent to pilot his Ship, such Board or such Authority (as the Case may be) may thereupon withdraw his Certificate, and such Certificate shall thenceforth cease to be of any Effect whatever.

Pilot Boats (General).

Pilot Boats (General).

Pilot Boats how to be provided.

345. All Boats and Ships regularly employed in the Pilotage Service of any District shall be approved and licensed by the Pilotage Authority of such District, who may, at their Discretion, appoint and remove the Masters of such Boats and Ships.

Characteristics of Pilot Boats.

346. Every Pilot Boat or Ship shall be distinguished by the following Characteristics; (that is to say,)

(1.) A Black Colour painted or tarred outside, with the Exception of such Names and Numbers as are herein-after mentioned; or such other distinguishing Colour or Colours as the Pilotage Authority of the District, with the Consent of the Board of Trade, directs:

(2.) On her Stern the Name of the Owner thereof and the Port to which she belongs painted in White Letters at least One Inch broad and Three Inches long, and on each Bow the Number of the Licence of such Boat or Ship:

(3.) When afloat, a Flag at the Mast-head or on a Sprit or Staff, or in some other equally conspicuous Situation; such Flag to be of large Dimensions compared with the Size of the Boat or Ship carrying the same, and to be of Two Colours, the upper horizontal Half White, and the lower horizontal Half Red:

And it shall be the Duty of the Master of such Boat or Ship to attend to the following Particulars: first, that the Boat or Ship

possesses all the above Characteristics; secondly, that the aforesaid Flag is kept clean and distinct, so as to be easily discerned at a proper Distance; and, lastly, that the Names and Numbers before mentioned are not at any Time concealed; and if default is made in any of the above Particulars he shall incur a Penalty not exceeding Twenty Pounds for each Default. *Pilot Boats (General).*

347. Whenever any qualified Pilot is carried off in a Boat or Ship not in the Pilotage Service he shall exhibit a Flag of the above Description, in order to show that such Boat or Ship has a qualified Pilot on board; and if he fails to do so, without reasonable Cause, he shall incur a Penalty not exceeding Fifty Pounds. Qualified Pilot to display Flag though not in Pilot Boat.

348. If any Boat or Ship, not having a licensed Pilot on board, displays a Flag of the above-mentioned Description, there shall be incurred for every such Offence a Penalty not exceeding Fifty Pounds, to be recovered from the Owner or from the Master of such Boat or Ship. Penalty on ordinary Boat displaying Pilot Flag.

Pilot Licences (General).

Pilot Licences (General.)

349. Every qualified Pilot on his Appointment shall receive a Licence, containing his Name and usual Place of Abode, together with a Description of his Person, and a Specification of the Limits within which he is qualified to act; And it shall be the Duty of the principal Officer of Customs at the Place at or nearest to which any qualified Pilot may reside, upon his Request, to register his Licence; and no qualified Pilot shall be entitled to act as such until his Licence is so registered; and any qualified Pilot acting beyond the Limits for which he is qualified by his Licence shall be considered as an unqualified Pilot. Registry of Pilot Licence.

350. Every qualified Pilot shall, upon receiving his Licence, be furnished with a Copy of such Part of this Act as relates to Pilotage, together with a Copy of the Rates, Byelaws, and Regulations established within the District for which he is licensed; and he shall produce such Copies to the Master of any Ship, or other Copies of Regulations to be furnished to qualified Pilot, and to be produced by him.

Pilot Licences (General).

Person employing him, when required to do so, under a Penalty in case of Default not exceeding Five Pounds.

Qualified Pilot to produce Licence to Employer.

351. Every qualified Pilot, while acting in that Capacity, shall be provided with his Licence, and produce the same to every Person by whom he is employed, or to whom he tenders his Services as Pilot; and if he refuses to do so at the Request of such Person, he shall incur for each Offence a Penalty not exceeding Ten Pounds, and shall be subject to Suspension or Dismissal by the Pilotage Authority by whom he is licensed.

Licences to be delivered up, when required, and returned on Death.

352. Every qualified Pilot, when required by the Pilotage Authority who appointed him, shall produce or deliver up his Licence; and on the Death of any qualified Pilot the Person into whose Hands his Licence happens to fall shall without Delay transmit the same to the Pilotage Authority who appointed the deceased Pilot; and any Pilot or Person failing to comply with the Provisions of this Section shall incur a Penalty not exceeding Ten Pounds.

Compulsory Pilotage (General).

Compulsory Pilotage (General).

Compulsory Pilotage, in what Mode to be enforced.

353. Subject to any Alteration to be made by any Pilotage Authority in pursuance of the Power herein-before in that Behalf given, the employment of Pilots shall continue to be compulsory in all Districts in which the same was by Law compulsory immediately before the Time when this Act comes into operation; and all Exemptions from compulsory Pilotage then existing within such Districts shall also continue in force; and every Master of any unexempted Ship navigating within any such District who, after a qualified Pilot has offered to take charge of such Ship or has made a Signal for that Purpose, either himself pilots such Ship without possessing a Pilotage Certificate enabling him so to do, or employs or continues to employ an unqualified Person to pilot her, and every Master of any exempted Ship navigating within any such District who after a qualified Pilot has offered to take charge of such Ship or has made a Signal for that Purpose employs or continues to

Compulsory Pilotage (General).

employ an unqualified Pilot to pilot her, shall for every such Offence incur a Penalty of double the Amount of Pilotage demandable for the Conduct of such Ship.

Home Trade Passenger Ships to employ qualified Pilots, unless they have certificated Masters or Mates.

354. The Master of every Ship carrying Passengers between any Place situate in the United Kingdom, or the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney*, and *Man*, and any other Place so situate, when navigating upon any Waters situate within the Limits of any District for which Pilots are licensed by any Pilotage Authority under the Provisions of this or of any other Act, or upon any Part thereof so situate, shall unless he or his Mate has a Pilotage Certificate enabling such Master or Mate to pilot the said Ship within such District, granted under the Provisions herein-before contained, or such Certificate as next herein-after mentioned, being a Certificate applicable to such District and to such Ship, employ a qualified Pilot to pilot his Ship; and if he fails so to do he shall for every Offence incur a Penalty not exceeding One hundred Pounds.

Certificates, how to be granted to such Masters and Mates.

355. Any Master or Mate of a Ship which by the last preceding Section is made subject to compulsory Pilotage may apply to the Board of Trade for a Certificate, and the Board of Trade shall thereupon, on satisfactory Proof of his having continuously piloted any Ship within the limits of any Pilotage District or of any Part or Parts thereof for Two Years prior to the Commencement of this Act, or upon satisfactory Proof by Examination of his Competency, or otherwise as it may deem expedient, cause to be granted to him, or to be indorsed on any Certificate of Competency or Service obtained by him under the Third Part of this Act, a Certificate to the Effect that he is authorized to pilot any Ship or Ships belonging to the same Owner, and of a Draught of Water not greater than such Draught as may be specified in the Certificate within the Limits aforesaid; and the said Certificate shall remain in force for such Time as the Board of Trade directs, and shall enable the Master or Mate therein named to conduct the Ship or Ships therein specified within the Limits therein described to the same Extent as if the last preceding Section had not been passed, but not further or

Compulsory Pilotage (General).

otherwise; and every such Master or Mate shall, upon applying for such Certificate or for any Renewal thereof, pay to the Board of Trade, or as it directs, such Fees not exceeding the Fees payable on an Examination for a Master's Certificate of Competency under the Third Part of this Act as the Board of Trade directs; and such Fees shall be applied in the same manner in which the Fees payable on such last-mentioned Examination are made applicable.

Rights, Privileges, and Remuneration of Pilots (General).

Rights, Privileges, and Remuneration of Pilots (General).

Qualified Pilot unable to board, when entitled to Pilotage.

356. If any Boat or Ship, having a qualified Pilot on board, leads any Ship which has not a qualified Pilot on board when such last-mentioned Ship cannot from particular Circumstances be boarded, the Pilot so leading such last-mentioned Ship shall be entitled to the full Pilotage for the Distance run as if he had actually been on board and had charge of such Ship.

Allowance to qualified Pilot taken out of his District.

357. No Pilot, except under Circumstances of unavoidable Necessity, shall without his Consent be taken to Sea or beyond the Limits for which he is licensed in any Ship whatever; and every Pilot so taken under Circumstances of unavoidable Necessity or without his Consent shall be entitled, over and above his Pilotage, to the Sum of Ten Shillings and Sixpence a Day, to be computed from and inclusive of the Day on which such Ship passes the Limit to which he was engaged to pilot her up to and inclusive of the Day of his being returned in the said Ship to the Place where he was taken on board, or up to and inclusive of such Day as will allow him, if discharged from the Ship, sufficient Time to return thereto; and in such last-mentioned Case he shall be entitled to his reasonable travelling Expenses.

Penalty on qualified Pilot receiving or Master offering improper Rate.

358. Any qualified Pilot demanding or receiving, and also any Master offering or paying to any Pilot, any other Rate in respect of Pilotage Services, whether greater or less, than the Rate for the Time being demandable by Law, shall for each Offence incur a Penalty not exceeding Ten Pounds.

359. If any Master, on being requested by any qualified Pilot having the Charge of his Ship to declare her Draught of Water, refuses to do so, or himself makes or is privy to any other Person making a false Declaration to such Pilot as to such Draught, he shall incur a Penalty for every such Offence not exceeding double the Amount of Pilotage which would have been payable to the Pilot making such Request; and if any Master or other Person interested in a Ship makes or is privy to any other Person making any fraudulent Alteration in the Marks on the Stern or Stem Post of such Ship denoting her Draught of Water, the Offender shall incur a Penalty not exceeding Five hundred Pounds.

Rights, Privileges, and Remuneration of Pilots (General).

Penalty on making a false Declaration as to Draught of Ship or falsifying Marks.

360. A qualified Pilot may supersede an unqualified Pilot, but it shall be lawful for the Master to pay to such unqualified Pilot a proportionate Sum for his Services, and to deduct the same from the Charge of the qualified Pilot; and in case of Dispute the Pilotage Authority by whom the qualified Pilot is licensed shall determine the proportionate Sums to which each Party is entitled.

Power of qualified Pilot to supersede unqualified Pilot.

361. An unqualified Pilot assuming or continuing in the Charge of any Ship after a qualified Pilot has offered to take charge of her, or using a Licence which he is not entitled to use for the Purpose of making himself appear to be a qualified Pilot, shall for each Offence incur a Penalty not exceeding Fifty Pounds.

Penalty on unqualified Person acting as Pilot.

362. An unqualified Pilot may, within any Pilotage District, without subjecting himself or his Employer to any Penalty, take charge of a Ship as Pilot under the following Circumstances; (that is to say,)

Occasions on which unlicensed Persons may act as Pilots.

When no qualified Pilot has offered to take charge of such Ship, or made a Signal for that Purpose; or

When a Ship is in Distress or under Circumstances making it necessary for the Master to avail himself of the best Assistance which can be found at the Time; or

For the Purpose of changing the Moorings of any Ship in Port, or of taking her into or out of any Dock, in Cases where such Act can be done by an unqualified Pilot without infringing

Rights, Privileges, and Remuneration of Pilots (General).

the Regulations of the Port or any Orders which the Harbour Master is legally empowered to give.

Liability for and Recovery of Pilotage Dues.

363. The following Persons shall be liable to pay Pilotage Dues for any Ship for which the Services of a qualified Pilot are obtained (that is to say), the Owner or Master, or such Consignees or Agents thereof as have paid or made themselves liable to pay any other Charge on account of such Ship in the Port of her Arrival or Discharge, as to Pilotage Inwards, and in the Port from which she clears out as to Pilotage Outwards; and in default of Payment such Pilotage Dues may be recovered in the same Manner as Penalties of the like Amount may be recovered by virtue of this Act; but such Recovery shall not take place until a previous Demand thereof has been made in Writing, and the Dues so demanded have remained unpaid for Seven Days after the Time of such Demand being made.

Power for Consignees to retain Pilotage Dues paid by them.

364. Every Consignee and Agent (not being the Owner or Master) hereby made liable for the Payment of Pilotage Dues in respect of any Ship may, out of any Monies in his Hands received on account of such Ship or belonging to the Owner thereof, retain the Amount of all Dues so paid by him together with any reasonable Expenses he may have incurred by reason of such Payment or Liability.

Offences of Pilots (General).

Offences of Pilots (General).

Penalties on qualified Pilot: exercising certain Trades;

365. If any qualified Pilot commits any of the following Offences, (that is to say,)

(1.) Keeps himself, or is interested in keeping by any Agent, Servant, or other Person, any Public House or Place of Public Entertainment, or sells or is interested in selling any Wine, Spirituous Liquors, Tobacco, or Tea;

offending against Revenue; guilty of corrupt Practices;

(2.) Commits any Fraud or other Offence against the Revenues of Customs or Excise or the Laws relating thereto;

(3.) Is in any way directly or indirectly concerned in any corrupt Practices relating to Ships, their Tackle, Furniture, Cargoes,

Crews, or Passengers, or to Persons in Distress at Sea or by Shipwreck, or to their Monies, Goods, or Chattels;

Offences of Pilots (General).

(4.) Lends his Licence;

lending Licence;

(5.) Acts as Pilot whilst suspended;

acting when suspended;

(6.) Acts as Pilot when in a State of Intoxication;

acting when drunk;

(7.) Employs or causes to be employed on board any Ship of which he has the Charge any Boat, Anchor, Cable, or other Store, Matter, or Thing beyond what is necessary for the Service of such Ship, with the Intent to enhance the Expenses of Pilotage for his own Gain or for the Gain of any other Person;

unnecessarily causing Expense;

(8.) Refuses or wilfully delays, when not prevented by Illness or other reasonable Cause, to take charge of any Ship within the Limits of his Licence upon the Signal for a Pilot being made by such Ship, or upon being required to do so by the Master, Owner, Agent, or Consignee thereof, or by any Officer of the Pilotage Authority by whom such Pilot is licensed, or by any principal Officer of Customs;

declining to go off;

(9.) Unnecessarily cuts or slips or causes to be cut or slipped any Cable belonging to any Ship;

unnecessarily cutting or slipping Cable;

(10.) Refuses, on the Request of the Master, to conduct the Ship of which he has the Charge into any Port or Place into which he is qualified to conduct the same, except on reasonable Ground of Danger to the Ship;

refusing to conduct Ship into Port;

(11.) Quits the Ship of which he has the Charge, without the Consent of the Master, before the Service for which he was hired has been performed;

quitting Ship.

He shall for each such Offence, in addition to any Liability for Damages at the Suit of the Person aggrieved, incur a Penalty not exceeding One hundred Pounds, and be liable to Suspension or Dismissal by the Pilotage Authority by whom he is licensed; and every Person who procures, abets, or connives at the Commission of any such Offence shall likewise, in addition to any such Liability for Damages as aforesaid, incur a Penalty not exceeding One

Offences of Pilots (General).

Penalty on Pilot endangering Ship, Life, or Limb.

hundred Pounds, and, if a qualified Pilot, shall be liable to Suspension or Dismissal by the Pilotage Authority by whom he is licensed.

366. If any Pilot, when in charge of any Ship, by wilful Breach of Duty or by Neglect of Duty, or by reason of Drunkenness, does any Act tending to the immediate Loss, Destruction, or serious Damage of such Ship, or tending immediately to endanger the Life or Limb of any Person on board such Ship; or if any Pilot, by wilful Breach of Duty or by Neglect of Duty, or by reason of Drunkenness, refuses or omits to do any lawful Act proper and requisite to be done by him for preserving such Ship from Loss, Destruction, or serious Damage, or for preserving any Person belonging to or on board of such Ship from Danger to Life or Limb; the Pilot so offending shall for each such Offence be deemed guilty of a Misdemeanor, and, if a qualified Pilot, also be liable to Suspension and Dismissal by the Authority by which he is licensed.

Penalty on Pilot in charge of a Ship doing her wilful Injury.

367. If any Person, by wilful Misrepresentation of Circumstances upon which the Safety of a Ship may depend, obtains or endeavours to obtain the Charge of such Ship, such Person, and every other Person procuring, abetting, or conniving at the Commission of such Offence, shall, in addition to any Liability for Damages at the Suit of the Party aggrieved, incur a Penalty not exceeding One hundred Pounds, and, if the Offender is a qualified Pilot, he shall also be liable to Suspension or Dismissal by the Pilotage Authority by which he is licensed.

General Power of Trinity House.

General Power of Trinity House.

Power of Trinity House to alter Regulations.

368. The *Trinity House* may, in exercise of the general Power herein-before given to all Pilotage Authorities of doing certain Things in relation to Pilotage Matters, alter such of the Provisions herein-after contained as are expressed to be subject to Alteration by them in the same Manner and to the same Extent as they might have altered the same if such Provisions had been contained in any previous Act of Parliament instead of in this Act.

Sub-Commissioners and Pilots (Trinity House).

Sub-Commissioners and Pilots (Trinity House).

Power of Trinity House to appoint Sub-Commissioners.

369. The *Trinity House* shall continue to appoint Sub-Commissioners, not being more than Five nor less than Three in Number, for the Purpose of examining Pilots in all Districts in which they have been used to make such Appointments, and may, with the Consent of Her Majesty in Council, but not otherwise, appoint like Sub-Commissioners for any other District in which no particular Provision is made by any Act of Parliament or Charter for the Appointment of Pilots; but no Pilotage District already under the Authority of any Sub-Commissioners appointed by the *Trinity House* shall be extended, except, with such Consent as aforesaid, and no Sub-Commissioners so appointed shall be deemed to be Pilotage Authorities within the Meaning of this Act.

Trinity House to license Pilots to act within certain Limits.

370. The *Trinity House* shall continue, after due Examination by themselves or their Sub-Commissioners, to appoint and license under their Common Seal Pilots for the Purpose of conducting Ships within the Limits following, or any Portion of such Limits; (that is to say,)

(1.) "The *London* District," comprising the Waters of the *Thames* and *Medway* as high as *London Bridge* and *Rochester Bridge* respectively, and also the Seas and Channels leading thereto or therefrom as far as *Ordfordness* to the North and *Dungeness* to the South; so, nevertheless, that no Pilot shall be hereafter licensed to conduct Ships both above and below *Gravesend:*

(2.) "The *English Channel* District," comprising the Seas between *Dungeness* and the *Isle of Wight*:

(3.) "*The Trinity House* Outport Districts," comprising any Pilotage District for the Appointment of Pilots within which no particular Provision is made by any Act of Parliament or Charter.

Publication of Notice of Licences of Pilots by the Trinity House of Pilots.

371. Subject to any Alteration to be made by the *Trinity House*, the Names of all Pilots licensed by the *Trinity House* shall be published in manner following; (that is to say,)

Sub-Commissioners and Pilots (Trinity House).

(1.) The *Trinity House* shall at their House in *London* fix up a Notice specifying the Name and usual Place of Abode of every Pilot so licensed, and the Limits within which he is licensed to act:

(2.) The *Trinity House* shall transmit a Copy of such Notice to the Commissioners of Customs in *London*, and to the principal Officers of Customs resident at all Ports within the Limits for which such Pilot is licensed; and such Notice shall be posted up by the Commissioners at the Custom House in *London*, and by such Officers at the Custom Houses of the Ports at which they are respectively resident.

Bonds to be given.

372. Subject to any Alteration to be made by the *Trinity House*, every *Trinity House* Pilot on his Appointment shall execute a Bond for One hundred Pounds conditioned for the due Observance on his Part of the Regulations and Byelaws of the *Trinity House*, such Bond to be free from Stamp Duty, and from any other Charge except the actual Expense for preparing the same.

Liability limited.

373. No qualified Pilot who has executed such Bond as is hereinbefore mentioned shall be liable for Neglect or Want of Skill beyond its Penalty and the Amount of Pilotage payable to him in respect of the Voyage on which he is engaged.

Continuance and Renewal of Licences.

374. Subject to any Alteration to be made by the *Trinity House*, no Licence granted by them shall continue in force beyond the Thirty-first Day of *January* next ensuing the Date of such Licence, but the same may, upon the Application of the Pilot holding such Licence, be renewed on such Thirty-first Day of *January* in every Year, or any subsequent Day, by Indorsement under the Hand of the Secretary of the *Trinity House*, or such other Person as may be appointed by them for that Purpose.

Power to revoke and suspend Licences.

375. The *Trinity House* shall have Power to revoke or suspend the Licence of any Pilot appointed by them, in such Manner and at such Time as they think fit.

Compulsory Pilotage. (Trinity House).

Penalty on Masters of Ships employing unlicensed Pilots, or acting as Pilot.

376. Subject to any Alteration to be made by the *Trinity House*, and to the Exemptions herein-after contained, the Pilotage Districts of the *Trinity House* within which the Employment of Pilots is compulsory are the *London* District, and the *Trinity House* Outport Districts, as herein-before defined; and the Master of every Ship navigating within any Part of such District or Districts, who, after a qualified Pilot has offered to take charge of such Ship, or has made a Signal for that Purpose, either himself pilots such Ship without possessing a Certificate enabling him so to do, or employs or continues to employ an unqualified Person to pilot her, shall for every such Offence, in addition to the Penalty herein-before specified, if the *Trinity House* certify in Writing under their Common Seal that the Prosecutor is to be at liberty to proceed for the Recovery of such additional Penalty, incur an additional Penalty not exceeding Five Pounds for every Fifty Tons Burden of such Ship.

Trinity House to make Regulations for a constant Supply of qualified Pilots at Dungeness.

377. Subject to any Alteration to be made by the *Trinity House*, a sufficient Number of qualified Pilots shall always be ready to take charge of Ships coming from the Westward past *Dungeness*; and the *Trinity House* shall, by Byelaw to be made in the same Manner as other Byelaws made under the Powers herein contained, make such Regulations with respect to the Pilots under their Control as may be necessary in order to provide for an unintermitted Supply of qualified Pilots for such Ships, and to insure their constant Attendance upon and due Performance of their Duty both by Night and Day, whether by cruizing between the *South Foreland* and *Dungeness*, or by going off from Shore upon Signals made for the Purpose, or by both of such Means, or by any other Means, and whether in rotation or otherwise, as the *Trinity House* think fit.

Ships coming past Dungeness not having

378. Subject to any Alteration to be made by the *Trinity House*, every Master of any Ship coming from the Westward, and bound

Compulsory Pilotage. (Trinity House).

Pilot on board to take the first qualified Pilot who offers.

to any Place in the Rivers *Thames* and *Medway*, (unless she has a qualified Pilot on board or is exempted from compulsory Pilotage,) shall, on the Arrival of such Ship off *Dungeness*, and thenceforth until she has passed the South Buoy of the *Brake*, or a Line to be drawn from *Sandown Castle* to the said Buoy, or until a qualified Pilot has come on board, display and keep flying the usual Signal for a Pilot; and if any qualified Pilot is within Hail, or is approaching and within Half a Mile, and has the proper distinguishing Flag flying in his Boat, such Master shall, by heaving-to in proper Time or shortening Sail, or by any practicable Means consistent with the Safety of his Ship, facilitate uch Pilot getting on board and shall give the Charge of piloting his Ship to such Pilot; or if there are Two or more of such Pilots offering at the same Time, to such One of them as may, according to the Regulations for the Time being in force, be entitled or required to take such Charge;

Penalty on Masters failing to display usual Signal for Pilot.

and if any such Master fails to display or keep flying the usual Signal for a Pilot in manner herein-before required, or to facilitate any such qualified Pilot as aforesaid getting on board as herein-before required, or to give the Charge of piloting his Ship to such Pilot as herein-before mentioned in that Behalf, he shall incur a Penalty not exceeding double the Sum which might have been demanded for the Pilotage of his Ship, such Penalty to be paid to the *Trinity House*, and to be carried to the Account of the *Trinity House* Pilot Fund.

Exemptions from compulsory Pilotage.

379. The following Ships, when not carrying Passengers, shall be exempted from compulsory Pilotage in the *London* District, and in the *Trinity House* Outport Districts; (that is to say,)

(1.) Ships employed in the Coasting Trade of the United Kingdom:

(2.) Ships of not more than Sixty Tons Burden:

(3.) Ships trading to *Boulogne* or to any Place in *Europe* North of *Boulogne*:

(4.) Ships from *Guernsey, Jersey, Alderney, Sark,* or *Man*, which are wholly laden with Stone being the Produce of those Islands:

(5.) Ships navigating within the Limits of the Port to which they belong:

(6.) Ships passing through the Limits of any Pilotage District on their Voyages between Two Places both situate out of such Limits, and not being bound to any Place within such Limits nor anchoring therein.

Compulsory Pilotage. (Trinity House.)

Rates of Pilotage (Trinity House).

Rates of Pilotage. (Trinity House).

380. Subject to any Alteration to be made by the *Trinity House*, there shall continue to be paid to all *Trinity House* Pilots, in respect of their Pilotage Services, such Dues as are immediately before the Time when this Act comes into operation payable to them in respect of such Services.

Rates of Pilotage.

381. Subject to any Alteration to be made by the *Trinity House*, and notwithstanding anything herein-before contained, there shall be paid in respect of all Foreign Ships trading to and from the Port of *London*, and not exempted from Pilotage, the following Pilotage Dues; that is to say, as to Ships Inwards, the full Amount of Dues for the Distance piloted, and as to Ships Outwards, the full Amount of Dues for the Distance required by Law; and Payment of such Pilotage Dues shall be made to the Collector of Customs in the Port of *London* by some One or more of the following Persons, that is to say, the Master or other Person having the Charge of such Ship, or the Consignees or Agents thereof who have paid or made themselves liable to pay any other Charge for such Ship in the said Port of *London*; and such Pilotage may be recovered in the same Manner as other Pilotage Dues are herein-before declared to be recoverable.

Payment of Pilotage Due from Foreign Ships trading to and from the Port of London.

382. Subject to any Alteration to be made by the *Trinity House*, the said Collector of Customs shall, on receiving any Pilotage Dues in respect of Foreign Ships, give to the Person paying the same a Receipt in Writing; and no Officer of Customs in the Port of *London* shall grant a Clearance or Transire for any such

Certificate of Payment of Pilotage to be given.

Rates of Pilotage. (Trinity House).

Foreign Ship as aforesaid without the Production of such Receipt; and if any such Ship attempts to go to Sea without such Clearance or Transire, any such Officer may detain her until the said Receipt is produced.

Application of such Monies by Trinity House.

383. Subject to any Alteration to be made by the *Trinity House*, the said Collector shall pay over to the *Trinity House* the Pilotage Dues received by him in respect of any Foreign Ship; and the *Trinity House* shall apply the same in manner following:

In the first place, in paying to any Pilot who may bring sufficient Proof of his having had the Charge of such Ship such Dues as would have been payable to him for such Pilotage Service if the Ship had been a *British* Ship, after deducting therefrom the Poundage due to the *Trinity House;*

In the second place, in paying to any unlicensed Person who may bring sufficient Proof of his having, in the Absence of a licensed Pilot, had the Charge of such Ship, such Amount as the *Trinity House* may think proper, not exceeding the Amount which would under similar Circumstances have been payable to a licensed Pilot, after deducting Poundage:

And, lastly, shall pay over to the *Trinity House* Pilots Fund the Residue, together with all Poundage deducted as aforesaid.

Settlement of Difference as to Draught of Ship.

384. Whenever any Difference arises between the Master and the qualified Pilot of any Ship trading to or from the Port of *London* as to her Draught of Water, the *Trinity House* shall upon Application by either Party, made, in case of a Ship Inward-bound, within Twelve Hours after her Arrival, or at some Time before she begins to discharge her Cargo, and in the Case of a Ship Outward-bound before she quits her Moorings, appoint some proper Officer who shall measure the Ship, and settle the Difference accordingly: And there shall be paid to the Officer measuring such Ship, by the Party against whom he decides, the following Sums; (that is to say,) One Guinea if the Ship be below and Half-a-Guinea if the Ship be above the Entrance of the *London Docks* at *Wapping.*

Pilot Fund (Trinity House).

Pilot Fund (Trinity House).

Payments to be made to the Pilot Fund.

385. Subject to any Alteration to be made by the *Trinity House*, there shall continue to be paid to them, and carried over to the *Trinity House* Pilot Fund, the Sums of Money following; (that is to say,)

(1.) A Poundage of Sixpence in the Pound upon the Pilotage Earnings of all Pilots licensed by the *Trinity House*:

(2.) A Sum of Three Pounds Three Shillings to be paid on the First Day of *January* in every Year by every person licensed by the *Trinity House* to act as Pilot in any District not under the Superintendence of Sub-Commissioners, or in any Part of such District:

And any qualified Pilot giving a false Account of his Earnings, or making default in Payment of any sum due from him under this Section, shall forfeit double the Amount payable, and shall further be liable, at the discretion of the *Trinity House*, to Suspension or Dismissal.

Application of Fund.

386. Subject to any prior Charges that may be subsisting thereon by virtue of any Act or Acts of Parliament or otherwise, the said *Trinity House* Pilot Fund shall be chargeable in the first instance with such Expenses as the *Trinity House* may duly incur in Performance of their Duties in respect of Pilots and Pilotage, and after Payment thereof shall, subject to any Alteration to be made by the *Trinity House*, be administered by the *Trinity House* for the Benefit of such Pilots licensed by them after the First Day of *October*, One thousand eight hundred and fifty-three as are incapacitated for the Performance of their Duty by reason of Age, Infirmity, or Accident, or of the Widows and Children of Pilots so licensed, or of such incapacitated Pilots only.

Appointment of Sub-Commissioners by Trinity Houses of Hull and Newcastle.

Appointment of Sub-Commissioners by Trinity Houses of Hull and Newcastle.

Power to Trinity

387. The Two Corporations of the Trinity Houses of the Ports of *Hull* and *Newcastle* shall continue to appoint Sub-Commissioners,

Appointment of Sub-Commissioners by Trinity Houses of Hull and Newcastle.

Houses of Hull and Newcastle to appoint Sub-Commissioners.

not being more than Seven nor less than Three in Number, for the Purpose of examining Pilots in all Districts in which they have been used to make such Appointments, and may, with the Consent of Her Majesty in Council, but not otherwise, appoint like Sub-Commissioners for any other District situate within their respective Jurisdictions; but no Pilotage District already under the Authority of any Sub-Commissioners appointed by either of the said Corporations shall be extended, except with such Consent as aforesaid; and no Sub-Commissioners appointed or to be appointed by the Trinity Houses of *Hull* and *Newcastle* shall be deemed to be Pilotage Authorities within the Meaning of this Act, nor shall anything in this Act contained be held to confer upon the Commissioners for regulating the Pilotage of the Port of *Kingston-upon-Hull* and of the River *Humber* any Jurisdiction of a different Nature or Character from that which they have heretofore exercised.

Saving of Owners' and Masters' Rights.

Limitation of Liability of Owner where Pilotage is compulsory.

Saving of Owners' and Masters' Rights.

388. No Owner or Master of any Ship shall be answerable to any Person whatever for any Loss or Damage occasioned by the Fault or Incapacity of any qualified Pilot acting in charge of such Ship, within any District where the Employment of such Pilot is compulsory by Law.

PART VI.

LIGHTHOUSES.

Management of Lighthouses.

Management of Lighthouses,

Management of Lighthouses.

389. Subject to the Provisions herein-after contained, and subject also to any Powers or Rights now lawfully enjoyed or exercised by any Person or Body of Persons having by Law or Usage Authority

over local Lighthouses, Buoys, or Beacons, hereinafter termed "Local Authorities," the Superintendence and Management of all Lighthouses, Buoys, and Beacons shall be vested in the following Bodies; that is to say, *Management of Lighthouses.* **Buoys, and Beacons to be in Trinity House, Commissioners of Northern Lighthouses, and Port of Dublin Corporation.**

In *England* and *Wales*, and the Islands of *Jersey*, *Guernsey*, *Sark*, and *Alderney*, and the adjacent Seas and Islands and in *Heligoland* and *Gibraltar*, in the *Trinity House:*

In *Scotland* and the adjacent Seas and Islands, and in the *Isle of Man*, in the Commissioners of Northern Lighthouses herein-after mentioned:

In *Ireland* and the adjacent Seas and Islands, in the Port of *Dublin* Corporation :

And, subject to the Provisions herein-after contained, the said *Trinity House*, Commissioners, and Corporation (herein-after termed General Lighthouse Authorities) shall respectively continue to hold and maintain all Property now vested in them in that Behalf in the same Manner and for the same Purposes as they have hitherto held and maintained the same.

390. The Persons holding the following Offices shall be a Body Corporate under the Name of the Commissioners of Northern Light-houses; (that is to say.) **Incorporation of Commissioners of Northern Lighthouses.**

(1.) The Lord Advocate and the Solicitor-General for *Scotland;*

(2.) The Lords Provosts of *Edinburgh* and *Glasgow*, and the Provosts of the Cities of *Aberdeen*, *Inverness*, and *Campbeltown;*

(3.) The eldest Bailies of *Edinburgh* and *Glasgow;*

(4.) The Sheriffs of the Counties of *Edinburgh*, *Lanark*, *Renfrew*, *Bute*, *Argyle*, *Inverness*, *Ross*, *Orkney*, *Caithness*, *Aberdeen*, *Ayr*, *Fife*, *Forfar*, *Wigton*, *Sutherland*, *Kincardine*, *Kircudbright*, and *Elgin;*

And shall have a Common Seal; and any Five of such Commissioners shall constitute a Quorum, aud shall have Power to do all such Matters and Things as might be done by the whole Body of Commissioners.

Management of Lighthouses.

Power to elect certain new Members.

391. In addition to the Persons above mentioned, it shall be lawful for the said Commissioners, at any Time after this Act comes into operation, to elect the Provost or Chief Magistrate of any Royal or Parliamentary Burgh on or near any Part of the Coasts of *Scotland* and the Sheriff of any County abutting on such Coasts.

Trinity House may inspect Lighthouses in Scotland and Ireland.

392. The *Trinity House,* their Engineers, Workmen, and Servants, may at all Times enter any Lighthouses within the Jurisdiction of the said Commissioners or Corporation to view the Condition thereof or otherwise for the Purposes of this Act.

Board of Trade may appoint Persons to inspect Lighthouses, &c.

393. The Board of Trade may, upon Complaint to the Effect that any Lighthouse, Buoy, or Beacon under the Management of any of the said General Lighthouse Authorities, or any Work connected therewith, is inefficient or improperly managed or unnecessary, authorize Persons to inspect the same; and every Person so authorized may inspect the same accordingly, and make such Inquiries in respect thereof and of the Management thereof, as he may think fit; and all Officers and others having the Care of such Lighthouses, Buoys, or Beacons or concerned in the Management thereof, shall furnish all such Information and Explanations in relation thereto as he may require; and the said General Lighthouse Authorities and their respective Officers shall at all Times give to the Board of Trade all such Returns, Explanations or Information in relation to the Lighthouses, Buoys, or Beacons within their Jurisdiction and the Management thereof, as such Board may from Time to Time require.

Power to General Lighthouse Authorities to control local Authorities.

394. Each of the said General Lighthouse Authorities, upon giving due Notice of their Intention, shall have Power, with the Sanction of the Board of Trade, to compel any Local Authority having Jurisdiction in the matter of Lighthouses, Buoys, or Beacons at any Place situate within the Jurisdiction of such General Lighthouse Authority, to lay down Buoys, or to remove or discontinue any existing Lighthouse or Beacon, or to make any Variation in the Character of any Lighthouse or in the mode of exhibiting Lights therein; and no such Local Authority as aforesaid shall erect any

new Lighthouse, or remove or discontinue any Lighthouse, or vary the Character of any Lighthouse or the Mode of exhibiting Lights therein, without the Sanction of the General Lighthouse Authority within whose Jurisdiction the same is situate.

Management of Lighthouses.

395. If any Local Authority having Power to erect, maintain, or place any local Lighthouse, Buoy, or Beacon at any Place within the Jurisdiction of One of the said General Lighthouse Authorities fails so to do, or fails to obey any Direction given by such Authority under the last preceding Section, Her Majesty may, upon Application from such General Lighthouse Authority, by Order in Council direct that such Power as aforesaid shall be transferred to such last-mentioned Authority; and such Power, together with all Powers of levying and receiving Dues in respect of such Lighthouse, Buoy, or Beacon, shall thereupon become vested in such last-mentioned Authority; and such Lighthouse, with its Appurtenances, and also such Buoy or Beacon, and all Dues leviable in respect thereof shall thenceforth be subject in all respects to the same Regulations as other Lighthouses and Light Dues, Buoys and Beacons provided for by this Act.

In case of Default by Local Bodies Local Light-houses may be transferred to General Lighthouse Authorities.

Light Dues.

Light Dues.

396. Subject to any Alterations to be made under the Powers herein-after contained, the said General Lighthouse Authorities shall, in respect of the existing Lighthouses, Buoys, or Beacons within their respective Jurisdictions, continue to levy Dues, herein-after called Light Dues, after the Rate at which the same are levied at the Time when this Act comes into operation; and such Light Dues shall be payable in respect of all Ships whatever, except Ships belonging to Her Majesty, and Ships hereby exempted from Payment thereof.

Dues to be levied.

397. Her Majesty may, by and with the Advice of Her Privy Council, from Time to Time reduce all or any of the Dues for the Time being payable in respect of existing or future Lighthouses, Buoys on

Light Dues to be subject to Revision by Her Majesty in Council.

Light Dues. Beacons, for the Time being under the Management of the said General Lighthouse Authorities; and may also by and with the like Advice from Time to Time increase or vary any of such Dues, so that no Dues payable in respect of any Lighthouse, Buoy, or Beacon existing at the Time when this Act comes into operation are made to exceed the Amount which has at any Period pervious to such Time been received in respect thereof, or to which the said Dues might during any Part of such Period as last aforesaid lawfully have been raised.

Powers of General Lighthouse Authorities to alter and regulate Dues.

398. Each of the said General Lighthouse Authorities shall have Power, with the Consent of Her Majesty in Council, to do any of the following Things; that is to say,

To exempt any Ships or any Classes of Ships from the Payment of Light Dues receivable by such Authority, and to annex any Terms or Conditions to such Exemptions:

To alter the Times, Places, and Modes at and in which the Light Dues receivable by such Authority are payable:

To substitute any other Dues or Class of Dues, whether by way of annual Payment or otherwise, in respect of any Ships or Classes of Ships, for the Dues payable to such Authority for the Time being.

Publication of Dues and Regulations.

399. Tables of all Light Dues, and a Copy of the Regulations for the Time being in force in respect thereof, shall be posted up at all Custom Houses within the United Kingdom; and each of the said General Lighthouse Authorities shall from Time to Time as Occasion requires furnish Copies of such Tables and Regulations to the Commissioners of Customs in *London*, and to the principal Officers of Customs resident at all Places where Light Dues are collected on account of such Lighthouse Authority; and such Copies shall be posted up by the Commissioners at the Custom House in *London*, and by such Officers at the Custom Houses of the Places at which they are respectively resident.

Ship not to be cleared with-

400. A Receipt for Light Dues shall be given by the Person appointed to collect the same to every Person paying the same, and

no Officer of Customs at any Port where Light Dues are payable in respect of any Ship shall grant a Clearance or Transire for any such Ship, unless the Receipt for the same is produced to him.

Light Dues.

out Production of Receipt for Light Dues.

401. If the Owner or Master of any Ship fails on Demand of the authorized Collector to pay the Light Dues due in respect thereof, it shall be lawful for such Collector, in addition to any other Remedy which he or the Authority by whom he is appointed is entitled to use, to enter upon such Ship, and distrain the Goods, Guns, Tackle, or any other Thing of or belonging to or on board such Ship, and to detain such Distress until the said Light Dues are paid; and if Payment of the same is not made within the Period of Three Days next ensuing such Distress, he may, at any Time during the Continuance of such Nonpayment, cause the same to be appraised by Two sufficient Persons or Sworn Appraisers, and thereupon sell the same, and apply the Proceeds in Payment of the Light Dues due, together with all reasonable Expenses incurred by him under this Section, paying the Surplus (if any) on Demand to the said Owner or Master.

Power of Distress for Light Dues.

402. Every Person appointed to collect Light Dues by any of the said General Lighthouse Authorities shall collect all Light Dues payable at the Port or Place at which he is so appointed, whether the same be collected on account of such last-mentioned Authority or of the other General Lighthouse Authorities, and shall pay over to the General Lighthouse Authority by whom he was appointed, or as it directs, the whole Amount of Light Dues received by him; and the Authority so receiving the same shall keep Accounts thereof, and shall cause the same to be remitted to Her Majesty's Paymaster General in such Manner as the Board of Trade directs.

Light Dues, how to be paid over and accounted for.

403. All Light Dues coming to the Hands of any of the said General Lighthouse Authorities under this Act shall be carried to the Account of the Mercantile Marine Fund herein-after mentioned, and shall be dealt with in manner herein-after prescribed.

Application of Light Dues.

New Lighthouses.

Construction of and Dues for New Lighthouses.

Power to Lighthouse Authorities to erect, place, and alter Lighthouses, Buoys, and Beacons.

404. Each of the said General Lighthouse Authorities shall have Power, within its Jurisdiction, to execute the following Works and do the following Things; (that is to say,)

(1.) To erect or place new Lighthouses, with all requisite Works, Roads and Appurtenances, or alter or remove any existing Lighthouses:

(2.) To erect or place any new Buoys or Beacons, or alter or remove any existing Buoys or Beacons:

(3.) To take and purchase any Land which may be necessary for the above Purposes, or for the Maintenance of the Works or the Residence of the Light Keepers:

(4.) To vary the Character of any Lighthouse or the Mode of exhibiting Lights therein:

(5.) To sell any Land belonging to it:

But the Exercise of the above Power shall, in the Case of the said Commissioners and Corporation, be subject to the Restrictions herein-after contained.

This Power in the Case of the Commissioners and Corporation to be subject to Approval by Trinity House, with Appeal to Board of Trade.

405. Previously to undertaking any such Work as aforesaid, the said Commissioners or Corporation, as the Case may be, shall forward a Notice specifying fully the Nature of the Work proposed to be undertaken by them, and their Reasons for undertaking the same, to the *Trinity House*, who shall take the proposed Scheme into their Consideration, and notify to the said Commissioners or Corporation their Approval or Rejection thereof with or without Modifications; but no such Notification shall be binding on the said Commissioners or Corporation until the same has been sanctioned by the Board of Trade in manner herein-after mentioned; and at any Time previous to such Sanction being given, the said Commissioners or Corporation may forward to the *Trinity House* and the Board of Trade, or either of them, any Objections to, or Observations upon, or Suggestions in respect of, such Notification.

406. In order to obtain such Sanction as aforesaid, the *Trinity House* shall forward a Copy of their Notification, accompanied by Copies of all Communications that have passed between the *Trinity House* and the said Commissioners or Corporation, to the Board of Trade; and such Board shall have Power to give any Directions they may think fit in relation to the Matters submitted to them, by granting or withholding their Sanction, either wholly or partially, and either with or without Modification.

New Lighthouses.

Sanction of Board of Trade, how to be obtained.

407. The *Trinity House* shall forthwith communicate the Directions given by the Board of Trade in relation to the Matters aforesaid to the said Commissioners or Corporation, and the said Commissioners or Corporation shall, upon the Receipt of such Directions, be bound to act in conformity therewith, and to do or forbear doing anything thereby directed to be done or forborne.

Trinity House to inform Lighthouse Authorities of Decision of Board of Trade.

408. The *Trinity House* shall have Power to direct the said Commissioners and Corporation, or either of them, to execute the following Works; (that is to say,)

Power to Trinity House, with Sanction of Board of Trade, to compel Execution of Works by Commissioners and Corporation.

(1.) To continue any existing Lighthouses, Buoys, or Beacons:

(2.) To erect or place any new Lighthouses, Buoys, or Beacons, or alter or remove any existing Lighthouses, Buoys, or Beacons:

(3.) To vary the Character of any Lighthouse, or the Mode of exhibiting Lights therein:

But no such Directions shall be issued to the said Commissioners or Corporation until the Issue thereof has been sanctioned by the Board of Trade; such Sanction to be obtained by the *Trinity House* in manner herein-after mentioned.

409. Previously to issuing any such Directions as aforesaid, the *Trinity House* shall make an Application to the Board of Trade, stating fully the Nature of the Work to which such Directions relate and their Reasons for directing the same; and shall at the same Time give Notice to the said Commissioners or Corporation respectively of such their Application, by causing written Notice of

Sanction of Board of Trade, how to be obtained.

New Lighthouses.

the said Application and a Copy of the proposed Directions to be left at or sent to the Office of the said Commissioners in *Edinburgh,* or the Office of the said Corporation in *Dublin,* as the Case may be; and Opportunity shall be afforded to the said Commissioners or Corporation to submit any Observations they may see fit to make with respect to such Application to the *Trinity House* and to the Board of Trade; and if thereupon the said *Trinity House* adhere to their said Directions, and if the Board of Trade concur therein, and if such Adherence and Concurrence is duly notified to the said Commissioners or Corporation, it shall be their Duty within a reasonable Time after such Notification is made to carry the said Directions into effect.

Her Majesty may by Order in Council fix Dues to be taken for new Lighthouses.

410. Upon the Completion of any new Lighthouse, Buoy, or Beacon, Her Majesty may by Order in Council fix such Dues in respect thereof to be paid by the Master or Owner of every Ship which passes the same or derives Benefit therefrom, as Her Majesty may deem reasonable, and may from Time to Time alter the Amount thereof; and such Dues shall be paid and collected in the same Manner, by the same Means, and subject to the same Conditions in, by, and subject to which the Light Dues authorized to be levied by this Act are paid and collected.

No Dues to be levied in the Channel Islands without Consent of the States, and no Power to be exercised therein but by Order in Council.

411. No Dues for any Lighthouse, Buoy, or Beacon to be erected or placed in or near the Islands of *Guernsey, Jersey, Sark,* or *Alderney* shall be taken in the said Islands of *Guernsey* or *Jersey* without the Consent of the States of the said Islands respectively; nor shall any Powers herein-before given to the *Trinity House* in respect of any Lighthouse, Buoy, or Beacon erected or placed in the Islands of *Guernsey* or *Jersey* or hereafter to be erected or placed in such Islands, be exercised without the Consent of Her Majesty in Council.

Incorporation of 8 & 9 Vict. cc. 18 and 19.

412. The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Act *(Scotland)*, 1845, shall be incorporated in this Act, and shall apply to all Lighthouses to be constructed and all Land to be purchased under the Powers thereof.

Surrender of Local Lighthouses.

Surrender of Local Lighthouses.

Local Lighthouses may be surrendered to General Lighthouse Authorities.

413. Every Local Authority holding any Lighthouse, Buoy, or Beacon at any Place within the Jurisdiction of any of the said General Lighthouse Authorities may, if they think fit, surrender or sell the same to such General Lighthouse Authority, and such Authority may, with the Consent of the Board of Trade, accept or purchase the same, the Purchase Money (if any) to be paid out of the said Mercantile Marine Fund; and thereupon such Lighthouse and its Appurtenances or such Buoy or Beacon, as the Case may be, shall become vested in such Authority; and such Authority shall be entitled to receive all Dues lawfully payable in respect thereof at the Time of such Surrender or Sale, or, if Her Majesty by Order in Council so directs, such Dues as might be fixed and made payable if the same were a new Lighthouse, Buoy or Beacon; and such Lighthouse, Buoy, or Beacon, and the Dues payable in respect thereof, shall after such Surrender or Sale, be subject in all respects to the same Regulations as other Lighthouses and Light Dues, Buoys and Beacons provided for by this Act.

Damage to Lights, Buoys, and Beacons.

Damage to Lights, Buoys and Beacons.

Penalty for Injuring Lights, Buoys, and Beacons.

414. If any Person wilfully or negligently commits any of the following Offences; (that is to say,)

(1.) Injures any Lighthouse or the Lights exhibited therein, or any Buoy or Beacon;

(2.) Removes, alters, or destroys any Light Ship, Buoy or Beacon;

(3.) Rides by, makes fast to, or runs foul of any Light Ship or Buoy;

He shall, in addition to the Expenses of making good any Damage so occasioned, incur a Penalty not exceeding Fifty Pounds.

Prevention of False Lights.

Prevention of False Lights.

General Lighthouse Authorities

415. Whenever any Fire or Light is burnt or exhibited at such Place or in such Manner as to be liable to be mistaken for a Light

Prevention of False Lights.

may prohibit false Lights.

proceeding from a Lighthouse, it shall be lawful for the General Lighthouse Authority within whose Jurisdiction such Place is situate, to serve a Notice upon the Owner of the Place where the Fire or Light is burnt or exhibited, or on the Person having the Charge of such Fire or Light either personally or by Delivery at the Place of abode of such Owner or Person, or by affixing the same in some conspicuous Spot near to such Fire or Light, and by such Notice to direct such Owner or Person, within a reasonable Time to be therein specified, to take effectual Means for the extinguishing or effectually screening such existing Light, and for preventing for the future any similar Fire or Light; and any Owner or Person disobeying such Notice shall be deemed guilty of a Common Nuisance, and, in addition to any other Penalties or Liabilities of any kind thereby incurred, shall incur a Penalty not exceeding One hundred Pounds.

If not obeyed they may abate such Lights.

416. If any Owner or Person served with such Notice as aforesaid neglects for a Period of Seven Days to extinguish or effectually screen the Fire or Light therein mentioned, it shall be lawful for the General Lighthouse Authority within whose Jurisdiction the same may be, by their Servants or Workmen, to enter upon the Place whereon the same may be, and forthwith to extinguish such Fire or Light, doing no unnecessary Damage; and all Expenses incurred by such Authority in such Extinction may be recovered from such Person or Owner as aforesaid in the same Way as Penalties are hereby directed to be recoverable.

PART VII.

MERCANTILE MARINE FUND.

Mercantile Marine Fund.

417. The following Sums shall be carried to a common Fund, to be entitled the "Mercantile Marine Fund;" (that is to say,) Sums to be carried to Mercantile Marine Fund.

(1.) All Fees and other Sums (other than Fines and Forfeitures) received by the Board of Trade under the Provisions of the Third and Fourth Parts of this Act:

(2.) All Light Dues or other Sums received by or accruing to the *Trinity House*, the Commissioners of Northern Lighthouses, and the Port of *Dublin* Corporation, under the Sixth Part of this Act:

(3.) All Rates and Monies received by the *Trinity House* under the Local Act of the Seventh Year of Her present Majesty, Chapter Fifty-Seven, for the Regulation of Lastage and Ballastage in the River *Thames*: 7 Vict. c. lvii.

(4.) All Fees and other Sums mentioned in the Table marked V. in the Schedule hereto which are received by Receivers appointed under the Eighth Part of this Act:

And an Account of the said Fund, intituled "The Mercantile Marine Fund Account," shall be kept with Her Majesty's Paymaster General.

418. Subject to any prior Charges that may be subsisting thereon by virtue of any Act or Acts of Parliament or otherwise, the said Fund shall be chargeable with the following Expenses; that is to say. Application of Mercantile Marine Fund.

(1.) The Salaries and other Expenses connected with the Local Marine Boards, the Examinations, and the Shipping Offices provided for by the Third Part of this Act:

(2.) The Salaries of Surveyors, and other Expenses connected with the Survey of Passenger Steam Ships provided for by the Fourth Part of this Act:

Mercantile Marine Fund.

(3.) All Expenses incurred by the General Lighthouse Authorities aforesaid in the Works and Services of Lighthouses, Buoys and Beacons provided for by the Sixth Part of this Act, or in the Execution of any Works necessary or expedient for the Purpose of permanently reducing the Expense of such Works and Services.

(4.) All Expenses incurred by the *Trinity House* in respect of Lastage and Ballastage in the River *Thames*:

(5.) Such Expenses for establishing and maintaining on the Coasts of the United Kingdom proper Life-boats, with the necessary Crews and Equipments, and for affording Assistance towards the Preservation of Life and Property in Cases of Shipwreck and Distress at Sea, and for rewarding the Preservation of Life in such Cases, as the Board of Trade directs:

(6.) Any Expenses incurred in carrying into effect the Provisions with regard to Receivers and the Performance of their Duties contained in the Eighth Part of this Act:

(7.) Any Expenses which by this or any other Act of Parliament are specially charged thereon:

And shall, save as herein-after mentioned, be applicable to no other Purpose whatever.

Application of Ballastage Rates.
6 & 7 Vict. c. lvii.

419. The said Rates and Monies received by the *Trinity House* under the said Local Act of the Seventh Year of Her present Majesty, Chapter Fifty-seven, shall, subject to the Payment of such Proportion of any prior Charges subsisting on the Mercantile Marine Fund as may in the Opinion of the Board of Trade be fairly chargeable thereon, and to the Powers of raising Money upon the Credit of the said Fund herein contained, be applicable only to Services performed for the Purpose of supplying Ballast to or providing for the Safety or Convenience of such Ships as navigate the said River *Thames* and the Seas and Channels leading thereto between *Orfordness* on the North and *Dungeness* on the South: Provided that if, in addition to the Duties performed in consideration of the said Ballastage Rates under the said Local Act, the *Trinity House*, at

the Request or with the Consent of the Owners or Masters of or Agents for any Ships, undertake to place Ballast on board thereof, or to unload Ballast therefrom, they shall be entitled to charge for such additional Duties such reasonable additional Rate *per* Ton for Ballast so placed on board or unladen as Her Majesty by Order in Council from Time to Time approves.

420. Her Majesty may from Time to Time, by and with the Advice of Her Privy Council, fix the Establishments to be maintained by each of the said General Lighthouse Authorities on account of the Services of Lighthouses, Buoys and Beacons, and also as regards the *Trinity House*, on account of the Service of Lastage and Ballastage in the River *Thames*, or the annual or other Sums to be paid out of the said Fund in respect of such Establishments; and if it appears that any Part of the Establishments of the said Lighthouse Authorities is maintained for the Purposes of such Duties and also for other Purposes, to fix and from Time to Time alter the Portion of the Expense of such Establishments to be paid out of the said Fund; and no Increase of any Establishment or Part of an Establishment so fixed shall be made without the Consent of the Board of Trade.

Establishments for Lighthouses and Ballastage charged on Fund to be fixed by Her Majesty in Council.

421. The said General Lighthouse Authorities may from Time to Time, with the Sanction of the Board of Trade, grant Superannuations or Compensations to Persons whose Salaries are payable out of the said Fund, and who are discharged or retire; so nevertheless that no Superannuation Allowance or Compensation to any Person so discharged or retiring shall exceed the Proportion of his Salary which might be granted to a Person in the public Civil Service, under the Act of the Fourth and Fifth Years of King *William* the Fourth, Chapter Twenty-four, or under any other Act for regulating such Superannuation Allowances or Compensations for the Time being in force.

Power to grant Superannuation Allowances.

422. Each of the said General Lighthouse Authorities shall from Time to Time submit to the Board of Trade Estimates of all Expenses to be incurred by them in respect of the Matters aforesaid,

Estimates and Accounts for other Expenses to be approved by

Mercantile Marine Fund.

the Board of Trade.

other than the Establishment Expenses for the Time being allowed by Order in Council as aforesaid; and shall also, whenever in providing for any sudden Emergency it is necessary to incur any Expense without waiting until an Estimate can be sanctioned, as soon as possible send to the Board of Trade a full Account of such Expense; and the Board of Trade shall consider and may approve such Estimates and Accounts, either with or without Modification.

No Expense to be allowed unless sanctioned by Board of Trade.

423. No Expense of any of the said General Lighthouse Authorities in respect of the said Services shall be paid out of the Mercantile Marine Fund, or allowed in Account, other than the Sums so allowed for Establishment Expenses as aforesaid, or included in Estimates or Accounts approved by the Board of Trade.

For the Purpose of erecting and repairing Lighthouses, and other extraordinary Expenses, Treasury may advance Money.

424. For the Purpose of the Construction and Repair of Lighthouses, and of other extraordinary Expenses connected with the said Services, the Treasury are authorized from Time to Time, upon the Application of the Board of Trade, to advance out of the growing Produce of the Consolidated Fund of the United Kingdom such Sums of Money, upon such Terms, and at such Rate of Interest as they think fit, and to pay the same into the Mercantile Marine Fund Account, so nevertheless that the whole Sum for the Time being due in respect of such Advances shall never at any One Time exceed Two hundred thousand Pounds; and upon any Advance being so made the Sum so advanced and the Interest shall be a Charge on the Mercantile Marine Fund, and upon the Dues, Rates, Fees, and Payments so to be carried thereto as aforesaid; and the Board of Trade shall make such Provision for the Repayment thereof out of the said Fund, either by forming a Sinking Fund or otherwise, as the Treasury may require; provided that no such Advance shall prevent any lawful Reduction of any of the said Dues, Rates, Fees, or Payments, if such Reduction be assented to by the Treasury.

Power to Board of Trade to borrow Money on the Credit of Fund.

425. The Board of Trade may also, for the Purpose last aforesaid, raise Money by mortgaging the Mercantile Marine Fund, and the several Dues, Rates, Fees, and Payments so to be carried thereto as aforesaid, or any of them, or any Part thereof, to any Person

or Body of Persons; and every such Mortgage shall be in such Form, and under the Hand and Seal of such Person or Persons, as the President of the said Board for the Time being may direct; and no Person or Body of Persons lending Money upon any such Mortgage shall be bound to see to the Purpose for which the same is raised, or to the Mode in which it is applied.

Mercantile Marine Fund.

426. The Public Works Loan Commissioners may also, for the Purpose last aforesaid, advance Money upon Mortgage of the said Mercantile Marine Fund, and the several Dues, Rates, Fees, and Payments so to be carried thereto as aforesaid, or any of them, or any Part thereof, without requiring any further Security than such Mortgage as aforesaid; but every Mortgage so made to the said Public Works Loan Commissioners, or their Secretary for the Time being, shall be made under and in pursuance of the Acts of Parliament regulating the Proceedings of the said Public Works Loan Commissioners, anything herein contained to the contrary notwithstanding: Provided, that no Advance which may be made by the said Public Works Loan Commissioners shall prevent any lawful Reduction of any of the said Dues, Rates, Fees, or Payments, if such Reduction is assented to by the said Public Works Loan Commissioners.

Power to Public Works Loan Commissioners to advance Money on the Credit of the Fund.

427. Each of the said General Lighthouse Authorities shall account to the Board of Trade for their Receipts from the said Light Dues and Ballastage Rates, and for their Expenditure as regards Expenses paid out of the said Fund, in such Form, and at such Times, and with such Details, Explanations, and Vouchers, as the Board of Trade requires, and shall, when required by such Board, permit all Books of Accounts kept by or under their respective Direction to be inspected and examined by such Persons as the said Board appoints for that Purpose.

Lighthouse Authorities to account for Receipt and Expenditure to Board of Trade.

428. The Board of Trade shall render to the Commissioners for auditing the Public Accounts periodical Accounts of the whole of the Receipts and Expenditure of the Mercantile Marine Fund, such Accounts to be signed and declared to by the Accountant

Accounts of Fund to be audited by Commissioners of Audit.

Mercantile Marine Fund.

appointed by the Board of Trade for that Purpose; and in case of Default it shall be lawful for the Treasury to make or direct such Allowance as under the Circumstances of the Case they may think fit in respect thereof.

Accounts to be laid before Parliament.

429. The Board of Trade shall as soon as practicable after the meeting of Parliament in every Year cause the Account of the Mercantile Marine Fund for the then preceding Year to be laid before both Houses of Parliament.

Property used for the Purposes of Parts III. and VI. of Act to be exempt from all Rates and Taxes.

430. All Lighthouses, Buoys, Beacons, and Light Dues, and all other Rates, Fees, or Payments accruing to or forming Part of the said Fund, and all Premises or Property belonging to or occupied by any of the said General Lighthouse Authorities or the Board of Trade, which are used or applied for the Purposes of any of the Services for which such Dues, Rates, Fees, and Payments are received, and all Instruments or Writings used by or under the Direction of any of the said General Lighthouse Authorities or the Board of Trade in carrying on the said Services, shall be exempted from all public, parochial, and local Taxes, Duties, and Rates of every kind.

Ships of Lighthouse Authorities exempt from Harbour Dues.

431. The Ships belonging to or used by any of the said General Lighthouse Authorities, or by the Board of Trade, shall be privileged to enter, resort to, and use any Harbours, Ports, Docks, or Piers in the United Kingdom, without Payment of any Tolls, Dues, or Rates of any kind.

PART VIII.

WRECKS, CASUALTIES, AND SALVAGE.

Inquiries into Wrecks.

Inquiries into Wrecks.

Inquiries to be instituted in Cases of Wreck and Casualty.

432. In any of the Cases following, that is to say,

Whenever any Ship is lost, abandoned, or materially damaged on or near the Coasts of the United Kingdom;

Whenever any Ship causes Loss or material Damage to any other Ship on or near such Coasts;

Whenever by reason of any Casualty happening to or on board of any Ship on or near such Coasts Loss of Life ensues;

Whenever any such Loss, Abandonment, Damage, or Casualty happens elsewhere, and any competent Witnesses thereof arrive or are found at any Place in the United Kingdom;

It shall be lawful for the Inspecting Officer of the Coast Guard or the principal Officer of Customs residing at or near the Place where such Loss, Abandonment, Damage, or Casualty occurred, if the same occurred on or near the Coasts of the United Kingdom, but if elsewhere at or near the Place where such Witnesses as aforesaid arrive or are found or can be conveniently examined, or for any other Person appointed for the Purpose by the Board of Trade, to make Inquiry respecting such Loss, Abandonment, Damage, or Casualty; and he shall for that Purpose have all the Powers given by the First Part of this Act to Inspectors appointed by the said Board.

Formal Investigation before Justices.

433. If it appears to such Officer or Person as aforesaid, either upon or without any such preliminary Inquiry as aforesaid, that a formal Investigation is requisite or expedient, or if the Board of Trade so directs, he shall apply to any Two Justices or to a Stipendiary Magistrate to hear the Case; and such Justices or Magis-

Inquiries into Wrecks.

trate shall thereupon proceed to hear and try the same, and shall for that Purpose, so far as relates to the summoning of Parties, compelling the Attendance of Witnesses, and the Regulation of the Proceedings, have the same Powers as if the same were a Proceeding relating to an Offence or Cause of Complaint upon which they or he have Power to make a summary Conviction or Order, or as near thereto as Circumstances permit; and it shall be the Duty of such Officer or Person as aforesaid to Superintend the Management of the Case, and to render such Assistance to the said Justices or Magistrate as is in his Power; and, upon the Conclusion of the Case, the said Justices or Magistrate shall send a Report to the Board of Trade, containing a full Statement of the Case and of their or his Opinion thereon, accompanied by such Report of or Extracts from the Evidence, and such Observations (if any) as they or he may think fit.

Power to appoint Nautical Assessor.

434. In Cases where Nautical Skill and Knowledge are required, the Board of Trade shall have the Power, either at the Request of such Justices or Magistrate or at its own Discretion, to appoint some Person of Nautical Skill and Knowledge to act as Assessor to such Justices or Magistrate; and such Assessor shall, upon the Conclusion of the Case, either signify his Concurrence in their Report by signing the same, or if he dissents therefrom shall signify such Dissent and his Reasons therefor to the Board of Trade.

Stipendiary Magistrate to be the Magistrate who is Member of Local Marine Board, and to be paid.

435. In Places where there is a Local Marine Board, and where a Stipendiary Magistrate is a Member of such Board, all such Investigations as aforesaid shall, whenever he happens to be present, be made before such Magistrate; and there shall be paid to such Magistrate in respect of his Services under this Act such Remuneration, whether by way of annual Increase of Salary or otherwise, as Her Majesty's Secretary of State for the Home Department, with the Consent of the Board of Trade, may direct; and such Remuneration shall be paid out of the Mercantile Marine Fund.

Costs of such Investigations.

436. The said Justices or Magistrate may make such Order with respect to the Costs of any such Investigation or any Portion there-

of as they or he may deem just, and such Costs shall be paid accordingly, and shall be recoverable in the same Manner as other Costs incurred in Summary Proceedings before them or him; and the Board of Trade may, if in any Case it thinks fit so to do, pay the Expense of any such Investigation, and may pay to such Assessor as aforesaid such Remuneration as it thinks fit. *Inquiries into Wrecks.*

437. In the Case of any such Investigation as aforesaid to be held in *Scotland*, the Board of Trade may, if it so thinks fit, remit the same to the Lord Advocate to be prosecuted in such Manner as he may direct, and in case he so requires, with the Assistance of such Person of Nautical Skill and Knowledge as the Board of Trade may appoint for the Purpose. Investigations in Scotland.

438. Such Justices or Magistrate as aforesaid may, or in *Scotland* such Person or Persons as is or are directed by the Lord Advocate to conduct the Investigation may, if they or he think fit, require any Master or Mate possessing a Certificate of Competency or Service whose Conduct is called in question or appears to them or him likely to be called in question in the course of such Investigation, to deliver such Certificate to them or him, and they or he shall hold the Certificate so delivered until the Conclusion of the Investigation, and shall then either return the same to such Master or Mate, or, if their Report is such as to enable the Board of Trade to cancel or suspend such Certificate under the Powers given to such Board by the Third Part of this Act, shall forward the same to the Board of Trade, to be dealt with as such Board thinks fit; and if any Master or Mate fails so to deliver his Certificate when so required, he shall incur a Penalty not exceeding Fifty Pounds. Master or Mate may be required to deliver Certificate to be held until Close of Inquiry.

Appointment and Duties of Receivers.

Appointment and Duties of Receivers.

439. The Board of Trade shall throughout the United Kingdom have the general Superintendence of all Matters relating to Wreck; and it may, with the Consent of the Commissioners of Board of Trade Superintendents of Wreck, with Power to ap-

Appointment and Duties of Receivers.

point Receivers.

Her Majesty's Treasury, appoint any Officer of Customs or of the Coast Guard, or any Officer of Inland Revenue, or, when it appears to such Board to be more convenient, any other Person, to be a Receiver of Wreck in any District, and to perform such Duties as are herein-after mentioned, and shall give due Notice of every such Appointment.

Admiral not to interfere with Wreck.

440. No Admiral, Vice Admiral, or other Person, under whatever Denomination, exercising Admiralty Jurisdiction, shall as such, by himself or his Agents, receive, take, or interfere with any Wreck except as herein-after mentioned.

Duty of Receiver when any Ship is stranded or in Distress.

441. Whenever any Ship or Boat is stranded or in Distress at any Place on the Shore of the Sea or of any Tidal Water within the Limits of the United Kingdom, the Receiver of the District within which such Place is situate shall, upon being made acquainted with such Accident, forthwith proceed to such Place, and upon his Arrival there he shall take the Command of all Persons present, and Assign such Duties to each Person, and issue such Directions, as he may think fit with a view to the Preservation of such Ship or Boat, and the Lives of the Persons belonging thereto, and the Cargo and Apparel thereof; and if any Person wilfully disobeys such Directions, he shall forfeit a Sum not exceeding Fifty Pounds; but it shall not be lawful for such Receiver to interfere between the Master of such Ship or Boat and his Crew in Matters relating to the Management thereof, unless he is requested so to do by such Master.

Powers of Receiver in case of such Accident to any Ship or Boat.

442. The Receiver may, with a view to such Preservation as aforesaid of the Ship or Boat, Persons, Cargo, and Apparel, do the following Things; (that is to say,)

(1.) Summon such Number of Men as he thinks necessary to assist him:

(2.) Require the Master or other Person having the Charge of any Ship or Boat near at hand to give such Aid with his Men, Ship, or Boats as may be in his Power:

(3.) Demand the Use of any Waggon, Cart, or Horses that may be near at hand:

And any person refusing without reasonable Cause to comply with any Summons, Requisition, or Demand so made as aforesaid, shall for every such Refusal incur a Penalty not exceeding One hundred Pounds; but no Person shall be liable to pay any Duty of Assessed Taxes in respect of any such Waggon, Cart, or Horses by reason of the User of the same under this Section.

Appointment and Duties of Receivers.

443. All Cargo and other Articles belonging to such Ship or Boat as aforesaid, that may be washed on Shore, or otherwise be lost or taken from such Ship or Boat, shall be delivered to the Receiver; and any Person, whether he is the Owner or not, who secretes or keeps Possession of any such Cargo or Article, or refuses to deliver the same to the Receiver or to any Person authorized by him to demand the same, shall incur a Penalty not exceeding One hundred Pounds; and it shall be lawful for such Receiver or other Person as aforesaid to take such Cargo or Article by force from the Person so refusing to deliver the same.

All Articles washed on Shore, or lost, or taken from any Ship or Boat, to be delivered to the Receiver.

444. Whenever any such Accident as aforesaid occurs to any Ship or Boat, and any Person plunders, creates Disorder, or obstructs the Preservation of such Ship, Boat, Lives, or Cargo as aforesaid, it shall be lawful for the Receiver to cause such person to be apprehended, and to use Force for the Suppression of any such Plundering, Disorder, or Obstruction as aforesaid, with Power to command all Her Majesty's Subjects to assist him in the Use of such Force; and if any Person is killed, maimed, or hurt by reason of his resisting the Receiver in the Execution of the Duties hereby committed to him, or any Person acting under his Orders, such Receiver or other Person shall be free and fully indemnified as well against the Queen's Majesty, Her Heirs and Successors, as against all Persons so killed, maimed, or hurt.

Power of Receiver to suppress Plunder and Disorder by Force.

445. During the Absence of the Receiver from the Place where any such Accident as aforesaid occurs, or in Places where no Receiver has been appointed under this Act, the following Officers in Succession, each in the Absence of the other, in the Order in which they are named, that is to say, any principal Officer of Customs

Certain Officers to exercise Powers of Receiver in his Absence.

Appointment and Duties of Receivers.

or of the Coast Guard, or Officer of Inland Revenue, and also any Sheriff, Justice of the Peace, Commissioned Officer on Full Pay in the Naval Service of Her Majesty, or Commissioned Officer on Full Pay in the Military Service of Her Majesty, may do all Matters and Things hereby authorized to be done by the Receiver, with this Exception, that with respect to any Goods or Articles belonging to any such Ship or Boat the Delivery up of which to the Receiver is herein-before required, any Officer so acting shall be considered as the Agent of the Receiver, and shall place the same in the Custody of the Receiver; and no Person so acting as Substitute for any Receiver shall be entitled to any Fees payable to Receivers, or be deprived by reason of his so acting of any Right to Salvage to which he would otherwise be entitled.

Power in case of a Ship being in Distress to pass over adjoining Lands with Carriages,

446. Whenever any such Accident as aforesaid occurs to any Ship or Boat, all Persons may, for the Purpose of rendering Assistance to such Ship or Boat, or saving the Lives of the Persons on board the same, or the Cargo or Apparel thereof, unless there is some public Road equally convenient, pass and repass either with or without Carriages or Horses over any adjoining Lands, without being subject to Interruption by the Owner or Occupier, so that they do as little Damage as possible, and may also, on the like Condition, deposit on such Lands any Cargo or other Article recovered from such Ship or Boat; and all Damage that may be sustained by any Owner or Occupier in consequence of any such passing or repassing or Deposit as aforesaid shall be a Charge on the Ship, Boat, Cargo, or Articles in respect of or by which such Damage was occasioned, and shall, in default of Payment, be recoverable in the same Manner as Salvage is hereby made recoverable; and the Amount payable in respect thereof, if disputed, shall be determined in the same Manner as the Amount of Salvage is hereby in case of Dispute directed to be determined.

Penalty on Owners and Occupiers of Land refusing

447. If the Owner or Occupier of any Land over which any Person is hereby authorized to pass or repass for any of the Purposes herein-before mentioned does any of the following Things; (that is to say,)

Appointment and Duties of Receivers.

to allow Carriages, &c. to pass over their Land.

(1.) Impedes or hinders any such Person from so passing or repassing with or without Carriages, Horses, and Servants, by locking his Gates, refusing, upon Request, to open the same, or otherwise however;

(2.) Impedes or hinders the Deposit of any Cargo or other Article recovered from any such Ship or Boat as herein-before mentioned;

(3.) Prevents such Cargo or other Article from remaining so deposited for a reasonable Time, until the same can be removed to a safe Place of public Deposit;

He shall for every such Offence incur a Penalty not exceeding One hundred Pounds.

Power of Receiver to institute Examination with respect to Ships in Distress.

448. Any Receiver, or in his Absence any Justice of the Peace, shall, as soon as conveniently may be, examine upon Oath (which Oath they are hereby respectively empowered to administer) any Person belonging to any Ship which may be or may have been in Distress on the Coasts of the United Kingdom, or any other Person who may be able to give any Account thereof or of the Cargo or Stores thereof, as to the following Matters; (that is to say,)

(1.) The Name and Description of the Ship;

(2.) The Name of the Master and of the Owners;

(3.) The Names of the Owners of the Cargo;

(4.) The Ports or Places from and to which the Ship was bound;

(5.) The Occasion of the Distress of the Ship;

(6.) The Services rendered;

(7.) Such other Matters or Circumstances relating to such Ship, or to the Cargo on board the same, as the Receiver or Justice thinks necessary:

And such Receiver or Justice shall take the Examination down in Writing, and shall make Two Copies of the same, of which he shall send One to the Board of Trade, and the other to the Secretary of the Committee for managing the Affairs of *Lloyd's* in *London*, and such last-mentioned Copy shall be placed by the said Secretary in

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some conspicuous Situation for the Inspection of Persons desirous of examining the same; and for the Purposes of such Examination every such Receiver or Justice as aforesaid shall have all the Powers given by the First Part of this Act to Inspectors appointed by the Board of Trade.

Original or certified Copy of Examination to be *primâ facie* Evidence.

449. Any Examination so taken in Writing as aforesaid, or a Copy thereof, purporting to be certified under the Hand of the Receiver or Justice before whom such Examination was taken, shall be admitted in Evidence in any Court of Justice, or before any Person having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, as *primâ facie* Proof of all Matters contained in such written Examination.

Rules to be observed by Persons finding Wreck.

450. The following Rules shall be observed by any Person finding or taking possession of Wreck within the United Kingdom; (that is to say,)

(1.) If the Person so finding or taking possession of the same is the Owner, he shall as soon as possible give Notice to the Receiver of the District within which such Wreck is found, stating that he has so found or taken possession of the same; and he shall describe in such Notice the Marks by which such Wreck is distinguished:

(2.) If any Person not being the Owner finds or takes possession of any Wreck, he shall as soon as possible deliver the same to such Receiver as aforesaid:

And any Person making default in obeying the Provisions of this Section shall incur the following Penalties; (that is to say,)

(3.) If he is the Owner and makes default in performing the several Things the Performance of which is hereby imposed on an Owner, He shall incur a Penalty not exceeding One hundred Pounds:

(4.) If he is not the Owner and makes default in performing the several Things, the Performance of which is hereby imposed on any Person not being an Owner,

He shall forfeit all Claim to Salvage;

He shall pay to the Owner of such Wreck, if the same is claimed, but if the same is unclaimed then to the Person entitled to such unclaimed Wreck, double the Value of such Wreck (such Value to be recovered in the same Way as a Penalty of like Amount); and, *Appointment and Duties of Receivers.*

He shall incur a Penalty not exceeding One hundred Pounds.

Power for Receivers to seize concealed Wreck.

451. If any Receiver suspects or receives Information that any Wreck is secreted or in the Possession of some Person who is not the Owner thereof, or otherwise improperly dealt with, he may apply to any Justice of the Peace for a Warrant, and such Justice shall have Power to grant a Warrant, by virtue whereof it shall be lawful for the Receiver to enter into any House or other Place wherever situate, and also into any Ship or Boat, and to search for, and to seize and detain any such Wreck as aforesaid there found; and if any such Seizure is made in consequence of Information that may have been given by any Person to the Receiver, the Informer shall be entitled by way of Salvage to such Sum not exceeding in any Case Five Pounds as the Receiver may allow.

Notice of Wreck to be given by Receiver.

452. Every Receiver shall within Forty-eight Hours after taking possession of any Wreck cause to be posted up in the Custom House of the Port nearest to the Place where such Wreck was found or seized a Description of the same and of any Marks by which it is distinguished, and shall also, if the Value of such Wreck exceeds Twenty Pounds, but not otherwise, transmit a similar Description to the Secretary of the Committee of *Lloyd's* aforesaid; and such Secretary shall post up the Description so sent, or a Copy thereof, in some conspicuous Place, for the Inspection of all Persons desirous of examining the same.

Goods deemed perishable or of small Value may be sold immediately.

453. In Cases where any Wreck in the Custody of any Receiver is under the Value of Five Pounds, or is of so perishable a Nature or so much damaged that the same cannot, in his Opinion, be advantageously kept, or if the Value thereof is not sufficient to defray the Charge of warehousing, the Receiver may sell the same before the Expiration of the Period herein-after mentioned, and the

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Money raised by such Sale, after defraying the Expenses thereof, shall be held by the Receiver for the same Purposes and subject to the same Claims for and to which the Article sold would have been held and liable if it had remained unsold.

In Cases where any Lord of the Manor or other Person is entitled to unclaimed Wreck, Receiver to give Notice to him.

454. In Cases where any Admiral, Vice-Admiral, Lord of the Manor, or other Person is entitled for his own Use to unclaimed Wreck found on any Place situate within a District for which a Receiver is appointed, such Admiral, Vice-Admiral, Lord of the Manor, or other Person shall deliver to such Receiver a Statement containing the Particulars of his Title, and the Address to which Notices are to be sent; and upon such Statement being so delivered, and Proof made to the Satisfaction of the Receiver of the Validity of such Title, it shall be his Duty, whenever he takes possession of any Wreck found at any such Place, to send within Forty-eight Hours thereafter a Description of the same and of any Marks by which it is distinguished, directed to such Address as aforesaid.

Payments to be made to Receiver.

455. There shall be paid to all Receivers appointed under this Act the Expenses properly incurred by them in the Performance of their Duties, and also in respect of the several Matters specified in the Table marked V. in the Schedule hereto, such Fees, not exceeding the Amounts therein mentioned, as may from Time to Time be directed by the Board of Trade; and the Receiver shall have the same Lien and be entitled to the same Remedies for the Recovery of such Expenses and Fees as a Salvor has or is entitled to in respect of Salvage due to him; but, save as aforesaid, no Receiver appointed under this Act shall, as such, be entitled to any Remuneration whatsoever.

Disputes as to Sums payable to Receiver to be determined by Board of Trade.

456. Whenever any Dispute arises in any Part of the United Kingdom as to the Amount payable to any Receiver in respect of Expenses or Fees, such Dispute shall be determined by the Board of Trade, whose Decision shall be final.

Application of Fees.

457. All Fees received by any Receiver appointed under this Act, in respect of any Services performed by him as Receiver, shall be carried to and form Part of the Mercantile Marine Fund, and

a separate Account thereof shall be kept, and the Monies arising therefrom shall be applied in defraying any Expenses duly incurred in carrying into effect the Purposes of the Eighth Part of this Act, in such Manner as the Board of Trade directs.

Appointment and Duties of Receivers.

Salvage in the United Kingdom.

Salvage in the United Kingdom.

Salvage in respect of Services rendered in the United Kingdom.

458. In the following Cases; (that is to say,)

Whenever any Ship or Boat is stranded or otherwise in Distress on the Shore of any Sea or Tidal Water situate within the Limits of the United Kingdom, and Services are rendered by any Person,

(1.) In assisting such Ship or Boat;

(2.) In saving the Lives of the Persons belonging to such Ship or Boat;

(3.) In saving the Cargo or Apparel of such Ship or Boat or any Portion thereof;

And whenever any Wreck is saved by any Person other than a Receiver within the United Kingdom;

There shall be payable by the Owners of such Ship or Boat, Cargo Apparel, or Wreck, to the Person by whom such Services or any of them are rendered or by whom such Wreck is saved, a reasonable Amount of Salvage, together with all Expenses properly incurred by him in the Performance of such Services or the saving of such Wreck, the Amount of such Salvage and Expenses (which Expenses are hereinafter included under the Term Salvage) to be determined in case of Dispute in manner herein-after mentioned.

Salvage for Life may be paid by Board of Trade out of Mercantile Marine Fund.

459. Salvage in respect of the Preservation of the Life or Lives of any Person or Persons belonging to any such Ship or Boat as aforesaid shall be payable by the Owners of the Ship or Boat in priority to all other Claims for Salvage; and in Cases where such Ship or Boat is destroyed, or where the value thereof is insufficient, after Payment of the actual Expenses incurred, to pay the Amount of Salvage due in respect of any Life or Lives, the Board of Trade

Salvage in the United Kingdom.

may in its Discretion award to the Salvors of such Life or Lives out of the Mercantile Marine Fund such Sum or Sums as it deems fit, in whole or part Satisfaction of any Amount of Salvage so left unpaid in respect of such Life or Lives.

Disputes as to Salvage how to be settled.

460. Disputes with respect to Salvage arising within the Boundaries of the Cinque Ports shall be determined in the Manner in which the same have hitherto been determined; but whenever any Dispute arises elsewhere in the United Kingdom between the Owners of any such Ship, Boat, Cargo, Apparel, or Wreck as aforesaid, and the Salvors, as to the Amount of Salvage, and the Parties to the Dispute cannot agree as to the Settlement thereof by Arbitration or otherwise,

Then, if the Sum claimed does not exceed Two hundred Pounds,

Such Dispute shall be referred to the Arbitration of any Two Justices of the Peace resident as follows; (that is to say,)

In case of Wreck, resident at at or near the Place where such Wreck is found:

In case of Services rendered to any Ship or Boat, or to the Persons, Cargo, or Apparel belonging thereto, resident at or near the Place where such Ship or Boat is lying, or at or near the First Port or Place in the United Kingdom into which such Ship or Boat is brought after the Occurrence of the Accident by reason whereof the Claim to Salvage arises:

But if the Sum claimed exceeds Two hundred Pounds,

Such Dispute may, with the Consent of the Parties, be referred to the Arbitration of such Justices as aforesaid, but if they do not consent shall in *England* be decided by the High Court of Admiralty of *England*, in *Ireland* by the High Court of Admiralty of *Ireland*, and in *Scotland* by the Court of Session; subject to this Proviso, that if the Claimants in such Dispute do not recover in such Court of Admiralty or Court of Session a greater Sum than Two hundred Pounds, they shall not, unless the Court certifies that the Case is a fit one to be tried in a Superior Court, recover any Costs,

Charges, or Expenses incurred by them in the Prosecution of their Claim :

Salvage in the United Kingdom.

And every Dispute with respect to Salvage may be heard and adjudicated upon on the Application either of the Salvor or of the Owner of the Property salved, or of their respective Agents.

Manner in which Justices may decide Disputes.

461. Whenever in pursuance of this Act any Dispute as to Salvage is referred to the Arbitration of Two Justices, they may either themselves determine the same, with Power to call to their Assistance any Person conversant with Maritime Affairs as Assessor, or they may if a Difference of Opinion arises between them, or without such Difference, if they think fit, appoint some Person conversant with Maritime Affairs as Umpire to decide the Point in dispute; and such Justices or their Umpire shall make an Award as to the Amount of Salvage payable, within the following Times, that is to say, the said Justices within Forty-eight Hours after such Dispute has been referred to them, and the said Umpire within Forty-eight Hours after his Appointment, with Power nevertheless for such Justices or Umpire by Writing under their or his Hands or Hand to extend the Time within which they and he are hereby respectively directed to make their or his Award.

Costs of Arbitration.

462. There shall be paid to every Assessor and Umpire who may be so appointed as aforesaid in respect of his Services such Sum not exceeding Five Pounds as the Board of Trade may from Time to Time direct; and all the Costs of such Arbitration, including any such Payments as aforesaid, shall be paid by the Parties to the Dispute, in such Manner and in such Shares and Proportions as the said Justices or as the said Umpire may direct by their or his Award.

Justices may call for Documents, and administer Oaths.

463. The said Justices or their Umpire may call for the Production of any Documents in the Possession or Power of either Party, which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose.

Salvage in the United Kingdom.

Appeal to Courts of Admiralty.

464. If any Person is aggrieved by the Award made by such Justices or such Umpire as aforesaid, he may in *England* appeal to the High Court of Admiralty of *England*, in *Ireland* to the High Court of Admiralty of *Ireland*, and in *Scotland* to the Court of Session; but no such Appeal shall be allowed unless the Sum in dispute exceeds Fifty Pounds, nor unless within Ten Days after the Date of the Award the Appellant gives Notice to the Justices to whom the Matter was referred of his Intention to appeal, nor unless the Appellant proceeds to take out a Monition, or to take such other Proceeding as according to the Practice of the Court of Appeal is necessary for the Institution of an Appeal, within Twenty Days from the Date of the Award.

Justices to transmit Copy of Proceedings and Certificate of Value to Court of Appeal.

465. Whenever any Appeal is made in manner herein-before provided, the Justices shall transmit to the proper Officer of the Court of Appeal a Copy on unstamped Paper certified under their Hands to be a true Copy of the Proceedings had before such Justices or their Umpire, if any, and of the Award so made by them or him, accompanied with their or his Certificate in Writing of the gross Value of the Article respecting which Salvage is claimed; and such Copy and Certificate shall be admitted in the Court of Appeal as Evidence in the Cause.

Payment of Salvage, to whom to be made in case of Dispute as to Apportionment.

466. Whenever the aggregate Amount of Salvage payable in respect of Salvage Services rendered in the United Kingdom has been finally ascertained either by Agreement or by the Award of such Justices or their Umpire, but a Dispute arises as to the Apportionment thereof amongst several Claimants, then, if the Amount does not exceed Two hundred Pounds, it shall be lawful for the Party liable to pay the Amount so due to apply to the Receiver of the District for Liberty to pay the Amount so ascertained to him; and he shall, if he thinks fit, receive the same accordingly, and grant a Certificate under his Hand, stating the Fact of such Payment and the Services in respect of which it is made; and such Certificate shall be a full Discharge and Indemnity to the Person or Persons to whom it is given, and to their Ship, Boats, Cargo, Apparel

and Effects, against the Claims of all Persons whomsoever in respect of the Services therein mentioned; but if the Amount exceeds Two hundred Pounds, it shall be apportioned in manner herein-after mentioned.

Salvage in the United Kingdom.

467. Upon the Receipt of any such Amount as aforesaid the Receiver shall with all convenient Speed proceed to distribute the same among the several Persons entitled thereto, upon such Evidence and in such Shares and Proportions as he thinks fit, with Power to retain any Monies that may appear to him to be payable to any absent Parties; but any Distribution made in pursuance of this Section shall be final and conclusive against the Rights of all Persons claiming to be entitled to any Portion of the Monies so distributed.

Apportionment of Salvage.

468. Whenever any Salvage is due to any Person under this Act, the Receiver shall act as follows; (that is to say,)

Manner of enforcing Payment of Salvage.

(1.) If the same is due in respect of Services rendered in assisting any Ship or Boat, or in saving the Lives of Persons belonging to the same, or the Cargo or Apparel thereof,

He shall detain such Ship or Boat and the Cargo and Apparel belonging thereto until Payment is made, or Process has been issued by some competent Court for the Detention of such Ship, Boat, Cargo, or Apparel:

(2.) If the same is due in respect of the saving of any Wreck, and such Wreck is not sold as unclaimed in pursuance of the Provisions herein-after contained,

He shall detain such Wreck until Payment is made, or Process has been issued in manner aforesaid:

But it shall be lawful for the Receiver, if at any Time previously to the Issue of such Process Security is given to his Satisfaction for the Amount of Salvage due, to release from his Custody any Ship, Boat, Cargo, Apparel, or Wreck so detained by him as aforesaid; and in Cases where the Claim for Salvage exceeds Two hundred Pounds it shall be lawful in *England* for the High Court of Admiralty of *England*, in *Ireland* for the High Court of Admiralty of *Ireland*,

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and in *Scotland* for the Court of Session, to determine any Question that may arise concerning the Amount of the Security to be given or the Sufficiency of the Sureties; and in all Cases where Bond or other Security is given to the Receiver for an Amount exceeding Two hundred Pounds it shall be lawful for the Salvor or for the Owner of the Property salved, or their respective Agents, to institute Proceedings in such last-mentioned Courts for the Purpose of having the Questions arising between them adjudicated upon, and the said Courts may enforce Payment of the said Bond or other Security, in the same Manner as if Bail had been given in the said Courts.

Power of Receiver to sell Property salved in Cases of Nonpayment.

469. Whenever any Ship, Boat, Cargo, Apparel, or Wreck is detained by any Receiver for Nonpayment of any Sums so due as aforesaid, and the Parties liable to pay the same are aware of such Detention, then, in the following Cases; that is to say,

(1.) In Cases where the Amount is not disputed, and Payment thereof is not made within Twenty Days after the same has become due;

(2.) In Cases where the Amount is disputed, but no Appeal lies from the First Tribunal to which the Dispute is referred, and Payment thereof is not made within Twenty Days after the Decision of such First Tribunal;

(3.) In Cases where the Amount is disputed, and an Appeal lies from the Decision of the First Tribunal to some other Tribunal, and Payment thereof is not made within such Twenty Days as last aforesaid, or such Monition as herein-before mentioned is not taken out within such Twenty Days, or such other Proceedings as are according to the Practice of such other Tribunal necessary for the Prosecution of an Appeal are not instituted within such Twenty Days;

The Receiver may forthwith sell such Ship, Boat, Cargo, Apparel, or Wreck, or a sufficient Part thereof, and out of the Proceeds of the Sale, after Payment of all Expenses thereof, defray all Sums of

Money due in respect of Expenses, Fees, and Salvage, paying the Surplus, if any, to the Owners of the Property sold, or other the Parties entitled to receive the same.

Salvage in the United Kingdom.

Subject to Payment of Expenses, Fees, and Salvage, Owner entitled to Wreck.

470. Subject to the Payment of such Expenses, Fees, and Salvage as aforesaid, the Owner of any Wreck who establishes his Claim thereto to the Satisfaction of the Receiver within One Year from the Date at which such Wreck has come into the Possession of the Receiver, shall be entitled to have the same delivered up to him.

Unclaimed Wreck in the United Kingdom.

Unclaimed Wreck in the United Kingdom.

Receiver to deliver up Possession of unclaimed Wreck to Lord of Manor or other Person entitled.

471. In the event of no Owner establishing a Claim to Wreck found in any Place in the United Kingdom before the Expiration of a Year from the Date at which the same has come into the Possession of the Receiver, then, if any such Admiral, Vice-Admiral, Lord of any Manor, or other Person as aforesaid has given Notice to and has proved to the Satisfaction of the Receiver that he is entitled to Wreck found at such Place, the Receiver shall, upon Payment of all Expenses, Fees, and Salvage due in respect of such Wreck, deliver up Possession thereof to such Admiral, Vice-Admiral, Lord of the Manor or other Person; and in case of dispute as to the Amount of the Sums so payable, and also in case of Default being made in Payment thereof, such Dispute shall be determined and Payment enforced in the Manner in which such Amount and Payment is hereby directed to be determined and enforced in Cases where any Owner establishes his Claim to Wreck.

Disputed Title to Wreck how to be decided.

472. If any Dispute arises between the Receiver and any such Admiral, Vice-Admiral, Lord of any Manor, or other Person as aforesaid as to the Validity of his Title to Wreck, or if divers Persons claim to be entitled to Wreck found at the same Place, the Matter in dispute may be decided by Two Justices in the same Manner in which Disputes as to Salvage coming within the Jurisdiction of Justices are herein-before directed to be determined.

Unclaimed Wreck in the United Kingdom.

Appeal from Decision of Justices.

473. If any Party to such Dispute is unwilling to refer the same to Two Justices, or, having so referred the same, is dissatisfied with their Decision, he may within Three Months from the Expiration of such Year as aforesaid, or from the Date of such Decision as aforesaid, as the Case may be, take such Proceedings as he may be advised in any Court of Law, Equity, or Admiralty having Jurisdiction in the Matter, for establishing his Title.

Power of the Board of Trade on behalf of the Crown to purchase Rights to Wreck.

474. The Board of Trade shall have Power, with the Consent of the Treasury, out of the Revenue arising under the Eighth Part of this Act, for and behalf of Her Majesty, Her Heirs and Successors, to purchase all such Rights to Wreck as may be possessed by any Person or Body Corporate, other than Her Majesty; and for the Purpose of facilitating such Purchases the Provisions of the "Lands Clauses Consolidation Act, 1845," and the "Lands Clauses Consolidation (*Scotland*) Act, 1845," relating to the purchase of Lands by Agreement, shall be incorporated with this Act; and in the Construction of this Act and the said incorporated Acts this Act shall be considered to be the "Special Act;" and any such Rights to Wreck as aforesaid shall be considered as an Interest in Land authorized to be taken by the special Act, and Her Majesty, Her Heirs and successors shall be considered as the Promoters of the Undertaking.

Unclaimed Wreck to be sold.

475. If no Owner establishes his Claim to Wreck found at any Place before the Expiration of such Period of a Year as aforesaid, and if no Admiral, Vice-Admiral, Lord of any Manor, or Person other than Her Majesty, Her Heirs and Successors is proved to be entitled to such Wreck, the Receiver shall forthwith sell the same, and after payment of all Expenses attending such Sale, and deducting therefrom his Fees, and all Expenses (if any) incurred by him, and paying to the Salvors such Amount of Salvage as the Board of Trade may in each Case or by any general Rule determine, pay the same into the Receipt of Her Majesty's Exchequer in such Manner as the Treasury may direct, and the same shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Jurisdiction of the High Court of Admiralty.

Jurisdiction of the High Court of Admiralty.

High Court of Admiralty may decide on all Salvage Cases, whethe on Sea or Land.

476. Subject to the Provisions of this Act, the High Court of Admiralty shall have Jurisdiction to decide upon all Claims whatsoever relating to Salvage, whether the Services in respect of which Salvage is claimed were performed upon the High Seas, or within the Body of any County, or partly in one Place and partly in the other, and whether the Wreck is found at Sea or cast upon the Land, or partly in the Sea and partly on Land.

Offences in respect of Wreck.

Offences in respect of Wreck.

In case of Ship wrecked being plundered by a tumultuous Assemblage the Hundred to be liable for Damages.

477. Whenever any Ship or Boat is stranded or otherwise in Distress on or near the Shore of any Sea or Tidal Water in the United Kingdom, and such Ship or Boat, or any Part of the Cargo or Apparel thereof, is plundered, damaged, or destroyed by any Persons riotously and tumultuously assembled together, whether on shore or afloat, full Compensation shall be made to the Owner of such Ship, Boat, Cargo or Apparel, as follows; (that is to say,)

In *England* by the Inhabitants of the Hundred, Wapentake, Ward, or District in the Nature of a Hundred, by whatever Name denominated, in or nearest to which the said Offence is committed, in manner provided by an Act of the Eighth Year of the Reign of King *George* the Fourth, Chapter Thirty-one in case of the Destruction of Churches and other Buildings by a riotous Assemblage, or as near thereto as Circumstances permit: 7 & 8 G. 4. c. 31.

In *Ireland* by the Inhabitants of the County, County of a City or Town, Barony, Town or Towns, Parish or Parishes, in or nearest to which such Offence is committed, in manner provided by an Act of the Fourth Year of the Reign of King *William* the Fourth, Chapter Thirty-seven, for the Recovery of Satisfaction and Amends for the malacious Demolition of or Injury to Churches, Chapels, and other Buildings used for Religious Worship: 3 & 4 W. 4, c. 37, s. 72.

Offences in respect of Wreck.

according to the Usage of the United Church of *England* and *Ireland*, or as near thereto as Circumstances permit:

In *Scotland* by the Inhabitants of the County, City, or Borough in or nearest to which such Offence is committed in manner provided by an Act of the First Year of King *George* the First, Statute Two, Chapter Five, with respect to Prosecutions for repairing the Damages of any Churches and other Buildings, or as near thereto as Circumstances permit.

1. G. 1. st. 2. c. 5.

Penalty for plundering in Cases of Shipwreck, for obstructing the saving of shipwrecked Property, and for secreting the same.

478. Every Person who does any of the following Acts; (that is to say,)

(1.) Wrongfully carries away or removes any Part of any Ship or Boat stranded or in danger of being stranded or otherwise in distress on or near the Shore of any Sea or Tidal Water, or any Part of the Cargo or Apparel thereof, or any Wreck; or

(2.) Endeavours in any way to impede or hinder the saving of such Ship, Boat, Cargo, Apparel, or Wreck; or

(3.) Secrets any Wreck, or obliterates or defaces any Marks thereon;

Shall, in addition to any other Penalty or Punishment he may be subject to under this or any other Act or Law, for each such Offence incur a Penalty not exceeding Fifty Pounds; and every Person, not being a Receiver or a Person herein-before authorized to take the Command in Cases of Ships being stranded or in Distress, or not acting under the Orders of such Receiver or Person, who, without the Leave of the Master, endeavours to board any such Ship or Boat as aforesaid, shall for each Offence incur a Penalty not exceeding Fifty Pounds; and it shall be lawful for the Master of such Ship or Boat to repel by Force any such Person so attempting to board the same.

Penalty for selling Wreck in Foreign Ports.

479. If any Person takes into any Foreign Port or Place any Ship or Boat stranded, derelict, or otherwise in Distress on or near the Shore of the Sea or of any Tidal Water situate within the Limits of the United Kingdom, or any Part of the Cargo or Apparel thereof, or anything belonging thereto, or any Wreck found

within such Limits as aforesaid, and there sells the same, he shall be guilty of Felony, and be subject to penal Servitude for a Term not exceeding Four Years.

Offences in respect of Wreck.

Dealers in Marine Stores and Manufacturers of Anchors.

Dealers in Marine Stores and Manufacturers of Anchors.

480. Every Person dealing in, buying and selling Anchors, Cables, Sails, or old Junk, old Iron, or Marine Stores of any Description, shall conform to the following Regulations; (that is to say,)

Regulations to be observed by Dealers in Marine Stores.

(1.) He shall have his Name, together with the Words "Dealer in Marine Stores," painted distinctly in Letters of not less than Six Inches in Length on every Warehouse or other Place of Deposit belonging to him;

If he does not he shall incur a Penalty not exceeding Twenty Pounds:

(2.) He shall keep a Book or Books, fairly written, and shall enter therein an Account of all such Marine Stores as he may from Time to Time become possessed of, stating, in respect of each Article, the Time at which and the Person from whom he purchased or received the same, adding, in the Case of every such last-mentioned Person, a Description of his Business and Place of Abode;

If he does not he shall incur for the First Offence a Penalty not exceeding Twenty Pounds, and for every subsequent Offence a Penalty not exceeding Fifty Pounds:

(3.) He shall not, by himself or his Agents, purchase Marine Stores of any Description from any Person apparently under the Age of Sixteen Years;

If he does so he shall incur for the First Offence a Penalty not exceeding Five Pounds, and for every subsequent Offence a Penalty not exceeding Twenty Pounds:

(4.) He shall not cut up any Cable, or any similar Article, exceeding Five Fathoms in Length, or unlay the same into

Dealers in Marine Stores and Manufacturers of Anchors.

Twine or Paper Stuff, on any Pretence whatever, without obtaining such Permit and publishing such Notice of his having so obtained the same as is herein-after mentioned;

If he does so he shall incur for the First Offence a Penalty not exceeding Twenty Pounds, and for every subsequent Offence a Penalty not exceeding Fifty Pounds.

Manner of obtaining Permit to cut up Cables.

481. In order to obtain such Permit as aforesaid a Dealer in Marine Stores shall make a Declaration before some Justice of the Peace having Jurisdiction over the Place where such Dealer resides containing the following Particulars; (that is to say,)

(1.) A Statement of the Quality and Description of the Cable or other like Article about to be cut up or unlaid.

(2.) A Statement that he purchased or otherwise acquired the same *bonâ fide* and without Fraud, and without any Knowledge or Suspicion that the same had been come by dishonestly:

(3.) A Statement of the Name and Description of the Person from whom he purchased or received the same:

And it shall be lawful for the Justice before whom any such Declaration is made, or for the Receiver of the District in which such Dealer in Marine Stores resides, upon the Production of any such Declaration as aforesaid, to grant a Permit authorizing him to cut up or unlay such Cable or other like Article.

Permit to be advertised before Dealer proceeds to act thereon.

482. No Dealer in Marine Stores who has obtained such Permit as aforesaid shall proceed by virtue thereof to cut up or unlay any Cable or other like Article until he has for the Space of One Week at the least before doing any such Act published in some Newspaper published nearest to the Place where he resides One or more Advertisements notifying the Fact of his having so obtained a Permit, and specifying the Nature of the Cable or other Article mentioned in the Permit, and the Place where the same is deposited, and the Time at which the same is intended to be so cut up or unlaid; and if any Person suspects or believes that such Cable or other Article is his Property, he may apply to any Justice of the

Peace for a Warrant; and such Justice of the Peace may, on the Applicant making Oath, or, if a Person entitled to make an Affirmation, making an Affirmation in support of such his Suspicion or Belief, grant a Warrant by virtue whereof the Applicant shall be entitled to require the Production by such Dealer as aforesaid of the Cable or other Article mentioned in the Permit, and also of the Book of Entries herein-before directed to be kept by every Dealer in Marine Stores; and, upon such Cable or other Article and Book of Entries being produced, to inspect and examine the same; and if any Dealer in Marine Stores makes default in complying with any of the Provisions of this Section, he shall for the First Offence incur a Penalty not exceeding Twenty Pounds, and for every subsequent Offence a Penalty not exceeding Fifty Pounds.

Dealers in Marine Stores and Manufactures of Anchors.

Manufacturers to place Marks on Anchors.

483. Every Manufacturer of Anchors shall, in case of each Anchor which he manufactures, mark in legible Characters on the Crown and also on the Shank under the Stock his Name or Initials, with the Addition of a progressive Number and the Weight of such Anchor; and if he makes default in doing so he shall for each Offence incur a Penalty not exceeding Five Pounds.

Salvage by Her Majesty's Ships.

Salvage by H. M. Ships.

No Claim for Salvage Services to be allowed in respect of Loss or Risk of Her Majesty's Ships or Property.

484. In Cases where Salvage Services are rendered by any Ship belonging to Her Majesty or by the Commander or Crew thereof no Claim shall be made or allowed for any Loss, Damage, or Risk thereby caused to such Ship, or to the Stores, Tackle, or Furniture thereof, or for the Use of any Stores or other Articles belonging to Her Majesty supplied in order to effect such Services, or for any other Expense or Loss sustained by Her Majesty by reason of such Services.

Claims for Salvage by Her Majesty's Officers not to be determined without Con-

485. No Claim whatever on account of any Salvage Services rendered to any Ship or Cargo or to any Appurtenances of any Ship by the Commander or Crew or Part of the Crew of any of Her Majesty's Ships shall be finally adjudicated upon unless the Consent of the Admiralty has first been obtained, such Consent to be signi-

Salvage by H. M. Ships.

sent of Admiralty.

fied by Writing under the Hand of the Secretary to the Admiralty; and if any Person who has originated Proceedings in respect of any such Claim fails to prove such Consent to the Satisfaction of the Court, his Suit shall stand dismissed and he shall pay all the Costs of such Proceedings; provided that any document purporting to give such Consent and to be signed by the Secretary to the Admiralty shall be *primâ facie* Evidence of such Consent having been given.

Steps to be taken when Salvage Services have been rendered by Her Majesty's Ships abroad.

486. Whenever Services for which Salvage is claimed are rendered to any Ship or Cargo, or to any Part of any Ship or Cargo, or to any Appurtenances of any Ship, at any Place out of the United Kingdom and the Four Seas adjoining thereto, by the Commander or Crew or Part of the Crew of any of Her Majesty's Ships, the Property alleged to be salved shall, if the Salvor is justified by the Circumstances of the Case in detaining it at all, be taken to some Port where there is either a Consular Officer or a Vice-Admiralty Court; and within Twenty-four Hours after arriving at such Port the said Salvor and the Master or other Person in charge of the Property alleged to be salved shall each deliver to the Consular Officer or Vice-Admiralty Judge there a Statement verified on Oath, specifying, so far as they respectively can, and so far as the Particulars required apply to the Case,

(1.) The Place, Condition, and Circumstances in which the said Ship, Cargo, or Property was at the Time when the Services were rendered for which Salvage is claimed:

(2.) The Nature and Duration of the Services rendered:

And the Salvor shall add to his Statement,

(3.) The Proportion of the Value of the said Ship, Cargo, and Property, and of the Freight which he claims for Salvage, or the Values at which he estimates the said Ship, Freight, Cargo, and Property respectively, and the several Amounts that he claims for Salvage in respect of the same:

(4.) Any other Circumstances he thinks relevant to the said Claim:

And the said Master or other Person in charge of the said Ship, Cargo, or Property shall add to his Statement,. *Salvage by H. M. Ships.*

(3.) A Copy of the Certificate of Registry of the said Ship, and of the Indorsements thereon, stating any Change which (to his Knowledge or Belief) has occurred in the Particulars contained in such Certificate; and stating also, to the best of his Knowledge and Belief, the State of the Title to the Ship for the Time being, and of the Incumbrances and Certificates of Mortgage or Sale, if any, affecting the same, and the Names and Places of Business of the Owners and Incumbrancers:

(4.) The Name and Place of Business or Residence of the Freighter (if any) of the said Ship, and the Freight to be paid for the Voyage she is then on:

(5.) A general Account of the Quantity and Nature of the Cargo at the Time the Salvage Services were rendered:

(6.) The Name and Place of Business or Residence of the Owner of such Cargo and of the Consignee thereof:

(7.) The Values at which the said Master estimates the said Ship, Cargo, and Property, and the Freight respectively, or, if he thinks fit, in lieu of such estimated Value of the Cargo, a Copy of the Ship's Manifest:

(8.) The Amounts which the Master thinks should be paid as Salvage for the Services rendered:

(9.) An accurate List of the Property saved, in Cases where the Ship is not saved:

(10.) An Account of the Proceeds of the Sale of the said Ship, Cargo, or Property, in cases where the same or any of them are sold at such Port as aforesaid:

(11.) The Number, Capacities, and Condition of the Crew of the said Ship at the Time the said Services were rendered:

(12.) Any other Circumstances he thinks relevant to the Matters in question:

(13.) A Statement of his Willingness to execute a Bond, in the Form in the Table marked W. in the Schedule hereto, in such

Salvage by H. M. Ships.

Amount as the said Consular Officer or Vice-Admiralty Judge may fix.

Consular Officer or Judge to fix Amount for which a Bond is to be given.

487. The said Consular Officer or Judge, as the Case may be, shall within Four Days after receiving the aforesaid Statements fix the Amount to be inserted in the said Bond at such Sum as he thinks sufficient to answer the Demand for the Salvage Services rendered; but such Sum shall not exceed One Half of the Value which in his Estimation the said Ship, Freight, and Cargo, or any Parts thereof in respect of which Salvage is claimed, are worth; and the said Consular Officer or Judge may, if either of the aforesaid Statements is not delivered to him within the Time hereby required, proceed *ex-parte,* but he shall in no Case under this Act require the Cargo to be unladen; and the said Consular Officer may in any Proceeding under this Act relating to Salvage take Affidavits and receive Affirmations.

On Master executing Bond, the Right of Detention to cease.

488. The said Consular Officer or Judge shall send Notice of the Sum which he has so fixed as aforesaid to the said Salvor and the said Master; and upon such Master executing a Bond in such Form as aforesaid, with the said Sum inserted therein, in the Presence of the said Officer or Judge (who shall attest the same), and delivering the same to the said Salvor, the Right of the said Salvor to detain or retain Possession of the said Ship, Cargo, or Property, or any of them, in respect of the said Salvage Claim, shall cease.

Provision for additional Security in the Case of Ships owned by Persons resident out of Her Majesty's Dominions.

489. If the Ship, Cargo, or Property in respect of which the Claim for Salvage is made is not owned by Persons domiciled in her Majesty's Dominions, the Right of the Salvor to detain or retain Possession thereof shall not cease unless the Master procures, in addition to the said Bond, such Security for the due Performance of the Conditions thereof as the said Officer or Judge considers sufficient for the Purpose, and places the same in the Possession or Custody of the said Officer or Judge, or, if the Salvor so desires, in the Possession or Custody of the said Officer or Judge jointly with any other Person whom the said Salvor appoints for the Purpose.

Salvage by H. M. Ships:

Documents to be sent to England.

490. The said Consular Officer or Judge shall at the earliest Opportunity transmit the said Statements and Documents so sent to him as aforesaid, and a Notice of the Sum he has so fixed as aforesaid, to the High Court of Admiralty of *England*, or if the said Salvor and the said Master or other Person in charge as aforesaid agree that the said Bond shall be adjudicated upon by any Vice-Admiralty Court, to such Court.

Whom the Bond shall bind.

491. The said Bond shall bind the respective Owners of the said Ship, Freight, and Cargo, and their respective Heirs, Executors and Administrators, for the Salvage adjudged to be payable in respect of the said Ship, Freight, and Cargo respectively.

Court in which it is to be adjudicated on.

492. The said Bond shall be adjudicated on and enforced by the High Court of Admiralty in *England*, or if the said Salvor and Master at the Time of the Execution of the said Bond agree upon any Vice-Admiralty Court, then by such Vice-Admiralty Court; and any such Vice-Admiralty Court may in every Proceeding under this Act have and exercise all Powers and Authorities whatsoever which the said High Court of Admiralty now has or at any Time may have in any Proceeding whatsoever before it; and in Cases where any Security for the due Performance of the Conditions of the said Bond has been placed in the Possession or Custody of the said Consular Officer or Vice-Admiralty Judge or of such Officer or Judge jointly with any other Person, the Person or Persons having the Custody of such Security shall respectively deal with the same in such Manner as the Court that adjudicates on the Bond directs.

Power of High Court of Admiralty to enforce Bonds.

493. The said High Court of Admiralty shall have Power to enforce any Bond given in pursuance of this Act in any Vice-Admiralty Court in any Part of Her Majesty's Dominions; and all Courts in *Scotland, Ireland,* and the Islands of *Jersey, Guernsey, Alderney, Sark,* and *Man* exercising Admiralty Jurisdiction shall, upon Application, aid and assist the High Court of Admiralty in enforcing the said Bonds.

Saving Clause.

494. Any such Salvor as aforesaid of any Ship, Cargo, or Property who elects not to proceed under this Act shall have no Power

Salvage by H. M. Ships.

to detain the said Ship, Cargo, or Property, but may proceed otherwise for the Enforcement of his Salvage Claim as if this Act had not been passed; and nothing in this Act contained shall abridge or affect the rights of Salvors, except in the Cases by it provided for.

Documents free from Duty.

495. All Bonds, Statements, Agreements, and other Documents made or executed in pursuance of the Eighth Part of this Act shall if so made or executed out of the United Kingdom, be exempt from Stamp Duty.

Punishment for Forgery and false Representations.

496. Every Person who, in any Proceeding under Provisions contained in the Eighth Part of this Act relating to Salvage by Her Majesty's Ships, forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Document, and every Person who in any such Proceeding puts off or makes use any such forged or altered Document, knowing the same to be so forged or altered, or who in any such Proceeding gives or makes, or assists in giving or making, or procures to be given or made, any false Evidence or Representation, knowing the same to be false, shall be punishable with Imprisonment, with or without Hard Labour, for any Period not exceeding Two Years, or, if summarily prosecuted and convicted, by Imprisonment, with or without Hard Labour, for any Period not exceeding Six Months.

Salvage (General.)

Salvage, General.

Voluntary Agreement may be made which shall have the same Effect as the Bond above mentioned.

497. Whenever Services for which Salvage is claimed are rendered either by the Commander or Crew or Part of the Crew of any of Her Majesty's Ships, or of any other Ship, and the Salvor voluntarily agrees to abandon his Lien upon the Ship, Cargo and Property alleged to be salved, upon the Master or other Person in charge thereof entering into a written Agreement attested by Two Witnesses to abide the Decision of the said High Court of Admiralty or of any Vice-Admiralty Court, and thereby giving

Security in that Behalf to such Amount as may be agreed on by the Parties to the said Agreement, such Agreement shall bind the said Ship and the said Cargo and the Freight payable therefor respectively, and the respective Owners of the said Ship, Freight, and Cargo for the Time being and their respective Heirs, Executors and Administrators, for the Salvage which may be adjudged to be payable in respect of the said Ship, Cargo, and Freight respectively to the Extent of the Security so given as aforesaid, and may be adjudicated upon and enforced in the same Manner as the Bonds provided for by the Eighth Part of this Act, in the Case of Detention for Salvage Services rendered by Her Majesty's Ships; and upon such Agreement being made the Salvor and the Master or other Person in charge as aforesaid shall respectively make such Statements as are herein-before required to be made by them in case of a Bond being given, except that such Statements need not be made upon Oath; and the Salvor shall, as soon as practicable, transmit the said Agreement and the said Statements to the Court in which the said Agreement is to be adjudicated upon.

Powers for Courts having Admiralty Jurisdiction to apportion Salvage.

498. Whenever the aggregate Amount of Salvage payable in respect of Salvage Services rendered in the United Kingdom has been finally ascertained and exceeds Two hundred Pounds, and whenever the aggregate Amount of Salvage payable in respect of Salvage Services rendered elsewhere has been finally ascertained, whatever such Amount may be, then if any Delay or Dispute arises as to the Apportionment thereof, any Court having Admiralty Jurisdiction may cause the same to be apportioned amongst the Persons entitled thereto in such Manner as it thinks just; and may for that Purpose, if it thinks fit, appoint any Person to carry such Apportionment into effect, and may compel any Person in whose Hands or under whose Control such Amount may be to distribute the same, or to bring the same into Court, to be there dealt with as the Court may direct, and may for the Purposes aforesaid issue such Monitions or other Processes as it thinks fit.

Miscellaneous.

Foreign Goods found derelict to be subject to the same Duties as on Importation.

499. All Wreck, being Foreign Goods brought or coming into the United Kingdom or the *Isle of Man*, shall be subject to the same Duties as if the same were imported into the United Kingdom or the *Isle of Man* respectively; and if any Question arises as to the Origin of such Goods, they shall be deemed to be the Produce of such Country as the Commissioners of Customs may upon Investigation determine.

Goods saved from Ships wrecked to be forwarded to the Ports of their original Destination.

500. The Commissioners of Customs and Excise shall permit all Goods, Wares, and Merchandise saved from any Ship stranded or wrecked on its Homeward Voyage to be forwarded to the Port of its original Destination, and all Goods, Wares, and Merchandise saved from any Ship stranded or wrecked on its Outward Voyage to be returned to the Port at which the same were shipped; but such Commissioners are to take Security for the due Protection of the Revenue in respect of such Goods, Wares, and Merchandise.

Provision as to certain Terms in Scotland.

501. All Matters and Things that may in pursuance of the Eighth Part of this Act be done by or to any Justice, or any Two Justices, may in *Scotland* be done also by or to the Sheriff of the County, including the Sheriff's Substitute; and the Expression "Lord or Lady of a Manor" shall in the Eighth Part of this Act, so far as regards *Scotland*, include "Heritable Proprietor duly infeft."

PART IX.

LIABILITY OF SHIPOWNERS.

Application.

Application.

Application of Part IX. of Act.

502. The Ninth Part of this Act shall apply to the whole of Her Majesty's Dominions.

Limitation of Liability.

Limitation of Liability.

Owner not liable in respect of certain Articles.

503. No Owner of any Sea-going Ship or Share therein shall be liable to make good any Loss or Damage that may happen without his actual Fault or Privity of or to any of the following Things; (that is to say,)

(1.) Of or to any Goods, Merchandise, or other Things whatsoever taken in or put on board any such Ship, by reason of any Fire happening on board such Ship,

(2.) Of or to any Gold, Silver, Diamonds, Watches, Jewels, or Precious Stones taken in or put on board any such Ship, by reason of any Robbery, Embezzlement, making away with or secreting thereof, unless the Owner or Shipper thereof has, at the Time of shipping the same, inserted in his Bills of Lading or otherwise declared in Writing to the Master or Owner of such Ship the true Nature and Value of such Articles,

To any Extent whatever.

Measure of Owner's Liability.

504. No Owner of any Sea-going Ship or Share therein shall, in Cases where all or any of the following Events occur without his actual Fault or Privity; (that is to say,)

(1.) Where any Loss of Life or personal Injury is caused to any Person being carried in such Ship;

(2.) Where any Damage or Loss is caused to any Goods, Merchandise, or other Things whatsoever on board any such Ship;

(3.) Where any Loss of Life or personal Injury is by reason of the improper Navigation of such Sea-going Ship as aforesaid caused to any Person carried in any other Ship or Boat;

(4.) Where any Loss or Damage is by reason of any such improper Navigation of such Sea-going Ship as aforesaid caused to any other Ship or Boat, or to any Goods, Merchandise, or other Things whatsoever, on board any other Ship or Boat;

Be answerable in Damages to an Extent beyond the Value of his Ship and the Freight due or to grow due in respect of such Ship

Limitation of Liability.

during the Voyage which at the Time of the happening of any such Events as aforesaid is in prosecution or contracted for, subject to the following Proviso, (that is to say,) that in no Case where any such Liability as aforesaid is incurred in respect of Loss of Life or personal Injury to any Passenger, shall the Value of any such Ship and the Freight thereof be taken to be less than Fifteen Pounds *per* registered Ton.

Value of Carriage of Goods and Passage Money to be considered as Freight

505. For the Purposes of the Ninth Part of this Act, the Freight shall be deemed to include the Value of the Carriage of any Goods or Merchandise belonging to the Owners of the Ship, Passage Money, and also the Hire due or to grow due under or by virtue of any Contract, except only such Hire, in the Case of a Ship hired for Time, as may not begin to be earned until the Expiration of Six Months after such Loss or Damage.

Provision for separate Losses.

506. The Owner of every Sea-going Ship or Share therein shall be liable in respect of every such Loss of Life, personal Injury, Loss of or Damage to Goods as aforesaid arising on distinct Occasions to the same Extent as if no other Loss, Injury, or Damage had arisen.

Mode of Procedure.

Mode of Procedure.

In case of Loss of Life or personal Injury, Board of Trade may direct Proceedings.

507. Whenever any such Liability as aforesaid has been or is alleged to have been incurred in respect of Loss of Life or personal Injury, the Board of Trade may, in its Discretion, after giving not less than Three Days' Notice by Post or otherwise to the Party to be made Defendant or Defender, by Warrant sealed with the Seal of such Board or signed by One of its Secretaries or Assistant Secretaries, require the Sheriff having Jurisdiction over any Place in the United Kingdom to summon a Jury at a Time and Place to be specified in such Warrant for the Purpose of determining the following Question; (that is to say,)

The Number, Names, and Descriptions of all Persons killed or injured by reason of any wrongful Act, Neglect, or Default,

And upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at such Time and Place as aforesaid. *Mode of Procedure.*

508. If either Party to the Inquiry desire any such Question as aforesaid to be tried before a Special Jury, such Question shall be so tried, provided that Notice of such Desire, if coming from the other Party, is given to the Board of Trade before it has issued its Warrant to the Sheriff; and for that Purpose the Board of Trade shall, by its Warrant to the Sheriff, require him to nominate a Special Jury for such Trial; and thereupon the Sheriff shall, as soon as conveniently may be after the Receipt by him of such Warrant, summon both the Parties to appear before him by themselves or their Attornies or Agents at some convenient Time and Place appointed by him for the Purpose of nominating a Special Jury; and at the Place and Time so appointed the Sheriff shall proceed to nominate and strike a Special Jury in the Manner in which such Juries are required by the Laws for the Time being in force to be nominated or struck by the proper Officers of the Superior Courts; and the Sheriff shall appoint a Day, and shall on the Day so appointed proceed to reduce the said Special Jury to the Number of Twenty, in the Manner used and accustomed by the proper Officers of the Superior Courts. Either Party may require Question to be tried by a Special Jury.

509. The following Provisions shall be applicable to the Conduct of Proceedings by the Board of Trade; (that is to say,) Provisions for Conduct of Proceedings.

(1) The Sheriff shall preside at such Inquiry, and the Board of Trade shall be deemed in *England* and *Ireland* to be the Plaintiff, and in *Scotland* the Pursuer, both of which Terms are herein-after included in the Term Plaintiff, with Power to appoint any Agent to act on its Behalf, and shall have all such Rights and Privileges as the Plaintiff is entitled to in Actions at Law; and the Owner or Owners of the Ship or Ships by whom such Liability as last aforesaid is alleged to have been incurred shall be deemed in *England* and

Mode of Procedure.

Ireland to be the Defendant, and in *Scotland* the Defender, both of which Terms are herein-after included in the Term Defendant :

(2.) Not less than Ten Days' Notice of the Time and Place of the Inquiry shall be served by the Board of Trade on the Defendant :

(3.) Service on the Master of any Ship shall be deemed good Service on the Owner thereof, and the Master shall, in respect of the Proceedings on such Inquiry, be deemed the Agent and Representative of the Owner, with Power to appear for him on such Inquiry, and to do all Matters and Things which he might himself have done :

(4.) If the Defendant does not appear at the Time of such Inquiry, the same shall be proceeded with as if he had appeared, upon due Proof of Service of Notice having been made on him in pursuance of this Act :

(5.) The empannelling of the Jury and the summoning and Attendance of Witnesses shall be conducted and enforced in *England* and *Ireland* in manner provided by the Lands Clauses Consolidation Act, 1845, in Cases of disputed Compensation as to Land, and in *Scotland* in manner provided by the Lands Clauses Consolidation (*Scotland*) Act, 1845, in like Cases, or as near thereto as Circumstances permit ; and all Provisions in the said Acts having reference to Cases where any Question of disputed Compensation requires to be determined by the Verdict of a Jury shall, with the requisite Alterations, be considered as incorporated with this Act, and to have reference to Cases where the Question of the Liability of any Owner in respect of any such Accident as aforesaid requires to be determined by the Verdict of a Jury :

(6.) In *England* and *Ireland* the Sheriff shall, if the Board of Trade so requires, or if the Defendant so requires and the Board of Trade consents thereto, appoint as Assessor a Barrister at Law of competent Knowledge and Standing :

(7.) The Costs incurred by all Parties in and incidental to any such Inquiry as aforesaid shall in *England* and *Ireland* be taxed by the Master of One of Her Majesty's Superior Courts of Common Law as between Attorney and Client, and in *Scotland* by the Auditor of the Court of Session as between Agent and Client; and shall, if the Verdict in any Inquiry is in favour of the Plaintiff, be paid by the Defendant, but if such verdict is in favor of the Defendant, be paid by the Board of Trade out of the Mercantile Marine Fund: *Mode of Procedure.*

(8.) The Payment of all Damages and Costs in any such Inquiry as aforesaid shall, upon Application made to such Superior Court as aforesaid by the Party entitled thereto, be enforced by Rule or Order of such Court or a Judge thereof, or otherwise as such Court or a Judge thinks fit:

(9.) The Board of Trade may make any compromise it thinks fit as to the Damages payable in respect of personal injury, or of the Death of any Person; and any Damages received in pursuance of such Compromise shall, so far as the same extend, be applied in the same Manner and be subject to the same Rules as if the same were Damages recovered on an Inquiry instituted by the Board of Trade.

510. The following Rules shall be observed as to the Damages recovered in any such Inquiry, and the Application thereof; (that is to say,) **Rules as to Damages and Application thereof.**

(1.) The Damages payable in each Case of Death or Injury shall be assessed at Thirty Pounds:

(2.) The Damages found due on any such Inquiry as aforesaid shall be the first Charge on the aggregate Amount for which the Owner is liable, and shall be paid thereout in Priority to all other Claims:

(3.) All such Damages as aforesaid shall be paid to Her Majesty's Paymaster General, and shall be distributed and dealt with by him in such Manner as the Board of Trade directs; and in directing such Distribution the Board of Trade shall

Mode of Procedure.

have Power in the first place to deduct and retain any Costs incidental thereto; and in the next place, as regards the Sums paid in respect of Injuries, shall direct Payment to each Person injured of such Compensation, not exceeding in any Case the statutory Amount, as the said Board thinks fit; and as regards the Sums paid in respect of Deaths shall direct the Payment thereof for the benefit of the Husband, Wife, Parent, and Child of the deceased, or any of them, in such Shares, upon such Evidence, and in such Manner as the said Board thinks fit:

(4.) The Board of Trade shall refund to the Owner any Surplus remaining under its control after making such Distribution as aforesaid, and the Sum so refunded shall form Part of the Residue herein-after mentioned:

(5.) The Board of Trade shall not, nor shall any Person acting under it, be liable to any Action, Suit, Account, Claim, or Demand whatsoever for or in respect of any Act or Matter done, or omitted to be done, in the Distribution of such Damages as aforesaid:

(6.) If the Amount paid to Her Majesty's Paymaster General in manner aforesaid is insufficient to meet the demands upon it, the several Claims thereon shall abate proportionally.

Any Person who is dissatisfied with the Amount of statutory Damage may bring an Action on his own Account.

511. After the Completion of such Inquiry as aforesaid, if any Person injured estimates the Damages payable in respect of such Injury, or if the Executor or Administrator of any deceased Person estimates the Damages payable in respect of his Death, at a greater Sum than such statutory Amount, or, in case of a Compromise having been made by the Board of Trade, than the Amount accepted by such Board by way of Compensation for such Injury or Death as aforesaid, the Person so estimating the same shall, upon repaying or obtaining the Repayment by the Board of Trade to the Owner of the Amount paid by him to the Board of Trade in respect of such Injury or Death, be at liberty to bring an Action for the Recovery of Damages in the same Manner as if no Power of instituting an Inquiry had herein-before been given to the Board

of Trade, subject to the following Proviso; (that is to say,) that any Damages recoverable by such Person shall be payable only out of the Residue, if any, of the aggregate Amount for which the Owner is liable, after deducting all Sums paid to Her Majesty's Paymaster General in manner aforesaid; and if the damages recovered in such Action do not exceed double the statutory Amount, such Person shall pay to the Defendant in such Action all the Costs thereof, such Costs to be taxed in *England* and *Ireland* as between Attorney and Client, and in *Scotland* as between Agent and Client.

Mode of Procedure.

512. In Cases where Loss of Life or personal Injury has occurred by any Accident in respect of which the Owner of any such Ship as aforesaid is or is alleged to be liable in Damages, no Person shall be entitled to bring any Action, or institute any Suit or other legal Proceeding in the United Kingdom, until the Completion of the Inquiry (if any) instituted by the Board of Trade, or until the Board of Trade has refused to institute the same; and the Board of Trade shall, for the Purpose of entitling any Person to bring an Action or institute a Suit or other legal Proceeding, be deemed to have refused to institute such Inquiry whenever Notice has been served on it by any Person of his desire to bring such Action or institute such Suit or other legal Proceeding, and no Inquiry is instituted by the Board of Trade in respect of the Subject Matter of such intended Action, Suit, or Proceeding for the Space of One Month after the Service of such Notice.

If Board of Trade decline to institute Proceedings, Individuals may bring Actions.

513. Whenever the Board of Trade, having refused in manner aforesaid to institute any Inquiry, afterwards determines to institute the same, the Damages and Costs (if any) recovered on such Inquiry shall be payable rateably with and not in priority to the Costs and Damages recovered in any other Action, Suit, or legal Proceeding.

Proceedings by Board of Trade after Refusal.

514. In Cases where any Liability has been or is alleged to have been incurred by any Owner in respect of Loss of Life, personal Injury, or Loss of or Damage to Ships, Boats, or Goods, and several Claims are made or apprehended in respect of such Liability, then, subject to the Right herein-before given to the

Proceedings in case of several Claims being made on Owner of Ship.

Mode of Procedure.

Board of Trade of recovering Damages in the United Kingdom in respect of Loss of Life or personal Injury, it shall be lawful in *England* or *Ireland* for the High Court of Chancery, and in *Scotland* for the Court of Session, and in any *British* Possession for any competent Court, to entertain Proceedings at the Suit of any Owner for the Purpose of determining the Amount of such Liability subject as aforesaid, and for the Distribution of such Amount rateably amongst the several Claimants, with Power for any such Court to stop all Actions and Suits pending in any other Court in relation to the same Subject Matter; and any Proceeding entertained by such Court of Chancery or Court of Session, or other competent Court, may be conducted in such Manner and subject to such Regulations as to making any Persons interested Parties to the same, and as to the Exclusion of any Claimants who do not come in within a certain Time, and as to requiring Security from the Owner, and as to Payment of Costs, as the Court thinks just.

Money paid for Damage how to be accounted for between Part Owners.

515. All sums of Money paid for or on account of any Loss or Damage in respect whereof the Liability of the Owners of any Ship is limited by the Ninth Part of this Act, and all Costs incurred in relation thereto, may be brought into account among Part Owners of the same Ship in the same Manner as Money disbursed for the Use thereof.

Saving Clause.

Saving Clause.

Saving Clause.

516. Nothing in the Ninth Part of this Act contained shall be construed—

To lessen or take away any Liability to which any Master or Seaman, being also Owner or Part Owner of the Ship to which he belongs, is subject in his Capacity of Master or Seaman; or

To extend to any *British* Ship not being a recognized *British* Ship within the Meaning of this Act.

PART X.

LEGAL PROCEDURE.

Application.

Application.

517. The Tenth Part of this Act shall, in all Cases where no particular Country is mentioned, apply to the whole of Her Majesty's Dominions. Application of Part X. of the Act.

Legal Procedure (General).

Legal Procedure (General.)

518. In all Places within Her Majesty's Dominions, except *Scotland*, the Offences herein-after mentioned shall be punished and Penalties recovered in manner following; (that is to say,) Punishment of Offences, and Recovery of Penalties.

(1.) Every Offence by this Act declared to be a Misdemeanor shall be punishable by Fine or Imprisonment, with or without Hard Labour; and the Court before which such Offence is tried may in *England* make the same Allowances and order Payment of the same Costs and Expenses as if such Misdemeanor had been enumerated in the Act passed in the Seventh Year of His late Majesty King *George* the Fourth, Chapter Sixty-four, or any other Act that may be passed for the like Purpose; and may in any other Part of Her Majesty's Dominions make such Allowances and order Payment of such Costs and Expenses (if any) as are payable or allowable upon the Trial of any Misdemeanor under any existing Act or Ordinance, or as may be payable or allowable under any Act or Law for the Time being in force therein: 7 G. 4. c. 64.

(2.) Every Offence declared by this Act to be a Misdemeanor shall also be deemed to be an Offence hereby made punishable by Imprisonment for any Period not exceeding Six Months, with or without Hard Labour, or by a Penalty not exceeding

One hundred Pounds, and may be prosecuted accordingly in a summary Manner instead of being prosecuted as a Misdemeanor:

(3.) Every Offence hereby made punishable by Imprisonment for any Period not exceeding Six Months, with or without Hard Labour, or by any Penalty not exceeding One hundred Pounds, shall in *England* and *Ireland* be prosecuted summarily before any Two or more Justices, as to *England* in the Manner directed by the Act of the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, and as to *Ireland* in the Manner directed by the Act of the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Ninety-three, or in such other Manner as may be directed by any Act or Acts that may be passed for like Purposes: And all Provisions contained in the said Acts shall be applicable to such Prosecutions in the same Manner as if the Offences in respect of which the same are instituted were hereby stated to be Offences in respect of which Two or more Justices have Power to convict summarily or to make a summary Order:

(4.) In all Cases of Summary Convictions in *England*, where the Sum adjudged to be paid exceeds Five Pounds, or the Period of Imprisonment adjudged exceeds One Month, any Person who thinks himself aggrieved by such Conviction may appeal to the next Court of General or Quarter Sessions which is holden not less than Twelve Days after the Day of such Conviction for the County, City, Borough, Liberty, Riding, Division, or Place wherein the Case has been tried; provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace,

Legal Procedure (General).

conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person, if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet; and in case of the Dismissal of the Appeal, or the Affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as may be awarded, and shall, if necessary, issue Process for enforcing such Judgment:

(5.) All Offences under this Act shall in any *British* Possession punishable in any Court or by any Justice of the Peace or Magistrate in which or by whom Offences of a like Character are ordinarily punishable, or in such other Manner, or by such other Courts, Justices, or Magistrates, as may from Time to Time be determined by any Act or Ordinance duly made in such Possession in such Manner as Acts and Ordinances in such Possession are required to be made in order to have the Force of Law.

Stipendiary Magistrate to have same Power as Two Justices.

519. Any Stipendiary Magistrate shall have full Power to do alone whatever Two Justices of the Peace are by this Act authorized to do.

Offence where deemed to have been committed.

520. For the Purpose of giving Jurisdiction under this Act, every Offence shall be deemed to have been committed, and every Cause of Complaint to have arisen, either in the Place in which the same actually was committed or arose, or in any Place in which the Offender or Person complained against may be.

Jurisdiction over Ships lying off the Coasts.

521. In all Cases where any District within which any Court or Justice of the Peace or other Magistrate has Jurisdiction either under this Act or under any other Act or at Common Law, for any

Legal Procedure (General)

Purpose whatever is situate on the Coast of any Sea, or abutting on or projecting into any Bay, Channel, Lake, River, or other navigable Water, every such Court, Justice of the Peace, or Magistrate shall have Jurisdiction over any Ship or Boat being on or lying or passing off such Coast, or being in or near such Bay, Channel, Lake, River, or navigable Water as aforesaid, and over all Persons on board such Ship or Boat or for the Time being belonging thereto, in the same Manner as if such Ship, Boat, or Persons were within the Limits of the original Jurisdiction of such Court, Justice, or Magistrate.

Service to be good if made personally, or on board Ship.

522. Service of any Summons or other Matter in any legal Proceeding under this Act shall be good Service, if made personally on the Person to be served, or at his last Place of Abode, or if made by leaving such Summons for him on board any Ship to which he may belong with the Person being or appearing to be in command or charge of such Ship.

Sums ordered to be paid leviable by Distress on Ship.

523. In all Cases where any Court, Justice or Justices of the Peace, or other Magistrate, has or have Power to make an Order directing Payment to be made of any Seaman's Wages, Penalties, or other Sums of Money, then, if the Party so directed to pay the same is the Master or Owner of a Ship, and the same is not paid at the Time and in Manner prescribed in the Order, the Court, Justice or Justices, or other Magistrate who made the Order, may, in addition to any other Powers they or he may have for the Purpose of compelling Payment, direct the Amount remaining unpaid to be levied by Distress or Poinding and Sale of the said Ship, her Tackle, Furniture, and Apparel.

Application of Penalties.

524. Any Court, Justice, or Magistrate imposing any Penalty under this Act, for which no specific Application is herein provided, may, if it or he thinks fit, direct the whole or any Part thereof to be applied in compensating any Person for any Wrong or Damage which he may have sustained by the Act or Default in respect of which such Penalty is imposed, or to be applied in or towards Payment of the Expenses of the Proceedings; and, subject to such Directions or

specific Application as aforesaid, all Penalties recovered in the United Kingdom shall be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom; and all Penalties recovered in any *British* Possession shall be paid over into the Public Treasury of such Possession, and form Part of the Public Revenue thereof.

Legal Procedure (General).

525. The Time for instituting Summary Proceedings under this Act shall be limited as follows; (that is to say,)

Limitation of Time in Summary Proceedings.

(1.) No Conviction for any Offence shall be made under this Act in any Summary Proceeding instituted in the United Kingdom, unless such Proceeding is commenced within Six Months after the Commission of the Offence; or if both or either of the Parties to such Proceeding happen during such Time to be out of the United Kingdom, unless the same is commenced within Two Months after they both first happen to arrive or to be at One Time within the same:

(2.) No Conviction for any Offence shall be made under this Act in any Proceeding instituted in any *British* Possession, unless Proceeding is commenced within Six Months after the Commission of the Offence; or if both or either of the Parties to the Proceeding happen during such Time not to be within the Jurisdiction of any Court capable of dealing with the Case, unless the same is commenced within Two Months after they both first happen to arrive or to be at One Time within such Jurisdiction:

(3.) No Order for the Payment of Money shall be made under this Act in any Summary Proceeding instituted in the United Kingdom unless such Proceeding is commenced within Six Months after the Cause of Complaint arises; or, if both or either of the Parties happen during such Time to be out of the United Kingdom, unless the same is commenced within Six Months after they both first happen to arrive or to be at One Time within the same:

Legal Procedure (General).

(4.) No Order for the Payment of Money shall be made under this Act in any Summary Proceeding instituted in any *British* Possession, unless such Proceeding is commenced within Six Months after the Cause of Complaint arises; or, if both or either of the Parties to the Proceeding happen during such Time not to be within the Jurisdiction of any Court capable of dealing with the Case, unless the same is commenced within Six Months after they both first happen to arrive or be at One Time within such Jurisdiction:

And no Provision contained in any other Act or Acts, Ordinance or Ordinances, for limiting the Time within which Summary Proceedings may be instituted shall affect any Summary Proceeding under this Act.

Document proved without calling attesting Witness.

526. Any Document required by this Act to be executed in the Presence of or to be attested by any Witness or Witnesses, may be proved by the Evidence of any Person who is able to bear witness to the requisite Facts, without calling the attesting Witness or Witnesses or any of them.

Power of Judge of Court of Record or Admiralty to arrest Foreign Ship that has occasioned Damage.

527. Whenever any Injury has, in any Part of the World, been caused to any Property belonging to Her Majesty or to any of Her Majesty's Subjects by any Foreign Ship, if at any Time thereafter such Ship is found in any Port or River of the United Kingdom or within Three Miles of the Coast thereof, it shall be lawful for the Judge of any Court of Record in the United Kingdom, or for the Judge of the High Court of Admiralty, or in *Scotland* the Court of Session, or the Sheriff of the County within whose Jurisdiction such Ship may be, upon its being shown to him by any Person applying summarily that such Injury was probably caused by the Misconduct or Want of Skill of the Master or Mariners of such Ship, to issue an Order directed to any Officer of Customs or other Officer named by such Judge, requiring him to detain such Ship until such Time as the Owner, Master, or Consignee thereof has made Satisfaction in respect of such Injury, or has given Security, to be approved by the Judge, to abide the Event of any

Action, Suit, or other legal Proceeding that may be instituted in respect of such Injury, and to pay all Costs and Damages that may be awarded thereon; and any Officer of Customs or other Officer to whom such Order is directed shall detain such Ship accordingly.

Legal Procedure (General).

528. In any Case where it appears that before any Application can be made under the foregoing Section such Foreign Ship will have departed beyond the Limits therein mentioned, it shall be lawful for any Commissioned Officer on Full Pay in the Military or Naval Service of Her Majesty, or any *British* Officer of Customs, or any *British* Consular Officer, to detain such Ship until such Time as will allow such Application to be made and the Result thereof to be communicated to him; and no such Officer shall be liable for any Costs or Damages in respect of such Detention unless the same is proved to have been made without reasonable Grounds.

Power in Certain Cases to detain Ship before Application made to Judge.

529. In any Action, Suit, or other Proceeding in relation to such Injury, the Person so giving Security as aforesaid shall be made Defendant or Defender and shall be stated to be the Owner of the Ship that has occasioned such Damage; and the Production of the Order of the Judge made in relation to such Security shall be conclusive Evidence of the Liability of such Defendant or Defender to such Action, Suit, or other Proceeding.

Who to be Defendant to suit in such Cases.

Legal Procedure (Scotland).

Legal Procedure (Scotland).

530. In *Scotland* every Offence which by this Act is described as a Felony or Misdemeanor may be prosecuted by Indictment or Criminal Letters at the Instance of Her Majesty's Advocate before the High Court of Justiciary, or by Criminal Libel at the Instance of the Procurator Fiscal of the County before the Sheriff, and shall be punishable with Fine and with Imprisonment, with or without Hard Labour, in default of Payment, or with Imprisonment, with or without Hard Labour, or with both, as the Court may think fit,

Offences punishable as Misdemeanors.

Legal Procedure (Scotland).

or in the Case of Felony with Penal Servitude, where the Court is competent thereto; and such Court may also, if it think fit, order Payment by the Offender of the Costs and Expenses of the Prosecution.

Summary Proceedings.

531. In *Scotland*, all Prosecutions, Complaints, Actions, or Proceedings under this Act, other than Prosecutions for Felonies or Misdemeanors, may be brought in a summary Form before the Sheriff of the County, or before any Two Justices of the Peace of the County or Burgh where the Cause of such Prosecution or Action arises, or where the Offender or Defender may be for the Time, and when of a criminal Nature, or for Penalties, at the Instance of the Procurator Fiscal of Court, or at the Instance of any Party aggrieved, with Concurrence of the Procurator Fiscal of Court; and the Court may, if it think fit, order Payment by the Offender or Defender of the Costs of the Prosecution or Action.

Form of Complaint

532. In *Scotland*, all Prosecutions, Complaints, Actions, or other Proceedings under this Act may be brought either in a written or printed Form, or partly written and partly printed, and where such Proceedings are brought in a summary Form it shall not be necessary in the Complaint to recite or set forth the Clause or Clauses of the Act on which such Proceeding is founded, but it shall be sufficient to specify or refer to such Clause or Clauses, and to set forth shortly the Cause of Complaint or Action, and the Remedy sought; and when such Complaint or Action is brought in whole or in part for the Enforcement of a pecuniary Debt or Demand, the Complaint may contain a Prayer for Warrant to arrest upon the Dependence.

Mode of requiring Appearance of Defender and Witnesses.

533. In *Scotland*, on any Complaint or other Proceeding brought in a summary Form under this Act being presented to the Sheriff Clerk or Clerk of the Peace, he shall grant Warrant to cite the Defender to appear personally before the said Sheriff or Justices of the Peace on a Day fixed, and at the same Time shall appoint a Copy of the same to be delivered to him by a Sheriff Officer or Constable, as the Case may be, along with the Citation;

and such Deliverance shall also contain a Warrant for citing Witnesses and Havers to compear at the same Time and Place to give Evidence and produce such Writs as may be specified in their Citation; and where such Warrant has been prayed for in the Complaint or other Proceeding, the Deliverance of the Sheriff Clerk or Clerk of the Peace shall also contain Warrant to arrest upon the Dependence in common Form: Provided always, that where the Apprehension of any Party, with or without a Warrant, is authorized by this Act, such Party may be detained in Custody until he can be brought at the earliest Opportunity before any Two Justices, or the Sheriff who may have Jurisdiction in the Place, to be dealt with as this Act directs, and no Citation or Induciæ shall in such Case be necessary. *Legal Procedure (Scotland).*

534. When it becomes necessary to execute such Arrestment on the Dependence against Goods or Effects of the Defender within *Scotland*, but not locally situated within the Jurisdiction of the Sheriff or Justices of the Peace by whom the Warrant to arrest has been granted, it shall be competent to carry the Warrant into execution on its being indorsed by the Sheriff Clerk or Clerk of the Peace of the County or Burgh respectively within which such Warrant comes to be executed. Backing Arrestments.

535. In all Proceedings under this Act in *Scotland* the Sheriff or Justices of the Peace shall have the same Power of compelling Attendance of Witnesses and Havers as in Cases falling under their ordinary Jurisdiction. Compelling Attendance of Witnesses.

536. The whole Procedure in Cases brought in a summary Form before the Sheriff or Justices of the Peace in *Scotland* shall be conducted *vivâ voce* without written Pleadings, and without taking down the Evidence in Writing, and no Record shall be kept of the Proceedings, other than the Complaint, and the Sentence or Decree pronounced thereon. Proceedings to be *vivâ voce.*

537. It shall be in the Power of the Sheriff or Justices of the Peace in *Scotland* to adjourn the Proceedings from Time to Time to any Day or Days to be fixed by them, in the event of Absence of Power to adjourn.

Witnesses or of any other Cause which shall appear to them to render such Adjournment necessary.

Sentence to be in Writing

538. In *Scotland* all Sentences and Decrees to be pronounced by the Sheriff or Justices of the Peace upon such summary Complaints shall be in Writing; and where there is a Decree for payment of any Sum or Sums of Money against a Defender, such Decree shall contain Warrant for Arrestment, Poinding, and Imprisonment in default of Payment, such Arrestment, Poinding, or Imprisonment to be carried into effect by Sheriff's Officers or Constables, as the Case may be, in the same Manner as in Cases arising under the ordinary Jurisdiction in the Sheriff or Justices: Provided always, that nothing herein contained shall be taken or construed to repeal or affect an Act of the Fifth and Sixth Years of *William* the Fourth, intituled *An Act for abolishing, in* Scotland, *Imprisonment for Civil Debts of small Amount.*

Imprisonment to be inflicted in default of Payment.

5 & 6 W. 4. c. 70.

Sentence and Penalties in default of Defender's Appearance.

539. In all summary Complaints and Proceedings for Recovery of any Penalty or Sum of Money in *Scotland*, if a Defender who has been duly cited shall not appear at the Time and Place required by the Citation, he shall be held as confessed, and Sentence or Decree shall be pronounced against him in Terms of the Complaint, with such Costs and Expenses as to the Court shall seem fit: Provided always, that he shall be entitled to obtain himself reponed against any such Decree at any Time before the same be fully implemented, by lodging with the Clerk of Court a Reponing Note, and consigning in his Hands the Sum decerned for, and the Costs which had been awarded by the Court, and on the same Day delivering or transmitting through the Post to the Pursuer or his Agent a Copy of such Reponing Note; and a Certificate by the Clerk of Court of such Note having been lodged shall operate as a Sist of Diligence till the Cause shall have been reheard and finally disposed of, which shall be on the next Sitting of the Court, or on any Day to which the Court shall then adjourn it.

Warrant to apprehend in

540. In all summary Complaints or other Proceedings not brought for the Recovery of any Penalty or Sum of Money in *Scotland*, if a

Defender, being duly cited, shall fail to appear, the Sheriff or Justices may grant Warrant to apprehend and bring him before the Court.

Legal Procedure (Scotland).

default of Appearance. Backing Sentences or Decrees.

541. In all Cases where Sentences or Decrees of the Sheriff or Justices require to be enforced within *Scotland*, but beyond the Jurisdiction of the Sheriff or Justices by whom such Sentences or Decrees have been pronounced, it shall be competent to carry the same into execution upon the same being indorsed by the Sheriff Clerk or Clerk of the Peace of the County or Burgh within which such Execution is to take place.

Orders not to be quashed for Want of Form; and to be final.

542. No Order, Decree, or Sentence pronounced by any Sheriff or Justice of the Peace in *Scotland* under the Authority of this Act shall be quashed or vacated for any Misnomer, Informality, or Defect of Form; and all Orders, Decrees, and Sentences so pronounced shall be final and conclusive, and not subject to Suspension, Advocation, Reduction, or to any Form of Review or Stay of Execution, except on the Ground of Corruption or Malice on the Part of the Sheriff or Justices, in which Case the Suspension, Advocation, or Reduction must be brought within Fourteen Days of the Date of the Order, Decree, or Sentence complained of: Provided always, that no Stay of Execution shall be competent to the Effect of preventing immediate Execution of such Order, Decree, or Sentence.

General Rules, so far as applicable, to extend to Penalties and Proceedings in Scotland.

543. Such of the General Provisions with respect to Jurisdiction, Procedure, and Penalties contained in this Act as are not inconsistent with the special Rules herein-before laid down for the Conduct of legal Proceedings and the Recovery of Penalties in *Scotland*, shall, so far as the same are applicable, extend to such last-mentioned Proceedings and Penalties: Provided always, that nothing in this Act contained shall be held in any way to annul or restrict the Common Law of *Scotland* with regard to the Prosecution or Punishment of Offences at the Instance or by the Direction of the Lord Advocate, or the Rights of Owners or Creditors in regard to enforcing a Judicial Sale of any Ship and Tackle, or to give to the High Court of Admiralty of *England* any Jurisdiction in respect of Salvage in *Scotland* which it has not heretofore had or exercised.

PART XI.

Miscellaneous.

MISCELLANEOUS.

Contracts may be made with Natives in India, under certain Conditions, binding them to go to Australia, and thence to serve in other Ships to the United Kingdom.

544. It shall be lawful for any Master or Owner of a Ship, or his Agent, to enter into Contracts with Lascars or Natives of the Territories of the *East India* Company, binding them to proceed to any Port or Ports in the *Australian* Colonies either as Seamen or as Passengers, and there to engage themselves as Seamen in any Ship which may happen to be there and to be bound to the United Kingdom or to any other Part of Her Majesty's Dominions; provided that every such Contract shall be in such Form, and shall contain such Provisions, and shall be executed in such Manner, and under such Conditions for securing the Return of such Lascars or Natives to their own Country, and for other Purposes, as the Governor General of *India* in Council, or the Governors of the respective Presidencies in which the Contract is made, in Council, may direct; and if any Lascar or other Person who has bound himself by any such Contract is, on arriving in any of the said Colonies required to enter into an Agreement to serve as a Seaman in any Ship bound for the United Kingdom or to any other Part of Her Majesty's Dominions, and if it is certified by some Officer appointed for that Purpose by the Governor of the said Colony that such Agreement is a proper Agreement in all respects for such Lascar or other Person to enter into, and is in accordance with the original Contract, and that the Ship to which such Agreement relates is a proper Ship for such Lascar or other Person to serve in and is properly supplied with Provisions, and that there is not in the Opinion of such Officer any Objection to the full Performance of the said Contract, such Lascar or other Person shall be bound to enter into the said Agreement, and to serve as a Seaman in the Ship to which it relates, and shall thereupon be deemed to be for all Purposes One of the Crew of the Ship; and if he refuses to enter into such Agreement he shall, notwithstanding such Refusal, be liable to the same Consequences, and be dealt with in all respects in the same Manner, as if he had voluntarily entere into the same ; and for every

Lascar or other Person in respect of whom such Certificate is applied for the Person applying for the same shall pay to such Officer as aforesaid such Fee as the Governor of the Colony may appoint. *Miscellaneous.*

545. Nothing in this Act contained shall be taken to repeal or alter any of the Provisions of the "Passengers Act, 1852," or of the Act of the Seventeenth Year of Her present Majesty, Chapter Eighty-four. Act not to affect Passenger Acts, 15 & 16 Vict. c. 44. 16 & 17 Vict. c. 84.

546. The Municipal Corporation of any Borough, being a Seaport in the United Kingdom, and any Body Corporate, Association, or Trustees in any such Seaport, existing or constituted for any public purposes relating to the Government or Benefit of Persons engaged in the *British* Merchant Service, or to the Management of Docks and Harbours, or for any other public Purposes connected with Shipping or Navigation, may, with the Consent of Her Majesty's Secretary of State for the Home Department, appropriate any Lands vested in them or in Trustees for them as a Site or Sites for a Sailors Home or Sailors Homes, and may for that Purpose either retain and apply the same accordingly, or convey the same to Trustees, with such Powers for appointing new Trustees and continuing the Trust as they think fit. Corporations, &c. may grant Site for Sailors Homes.

547. The Legislative Authority of any *British* Possession shall have Power, by any Act or Ordinance, confirmed by Her Majesty in Council, to repeal, wholly or in part, any Provisions of this Act relating to Ships registered in such Possession; but no such Act or Ordinance shall take effec tuntil such Approval has been proclaimed in such Possession, or until such Time thereafter as may be fixed by such Act or Ordinance for the Purpose. Power of Colonial Legislatures to alter Provisions of Act.

548. All Expenses incurred by the Commissioners of Customs in the Conduct of Suits or Prosecutions, or otherwise in carrying into effect the Provisions of this Act, shall be considered as Expenses having reference to the Revenue of Customs, and shall be paid out of the Consolidated Customs; but the Board of Trade may, with the Consent of the Treasury, repay out of the Mercantile Marine Fund all or any part of such of the Expenses so paid as are by the Provisions of this Act chargeable on the said Fund. Expenses incurred by Commissioners of Customs to be paid out of the Consolidated Customs.

SCHEDULE to which this Act refers.

FORM A. (See Section 36.)

CERTIFICATE OF SURVEYOR.

Name of Ship.	British or Foreign Built.	Port of Registry.	How Propelled.
			By Steam or Sails, and if by Steam, whether by Paddles or Screw.

Number of Decks -		Build -	*Carvel or Clincher.*
Number of Masts -		Gallery -	*Description of.*
Rigging -	*Nature of, and whether standing or running Bowsprit.*	Head -	*Kind of.*
Stern -	*Round, Square, or other Description.*	Framework -	*Wood or other Material.*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - -		
Main Breadth to Outside of Plank - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - -	
Closed-in Spaces above the Tonnage Deck, if any; *viz.*	
Space or Spaces between Decks - - -	
Poop - - - - -	
Roundhouse - - - -	
Other inclosed Spaces, if any, naming them - -	
Total, - -	

(a) *Omit this Part if she has no Steam Power.*

(a) *Additional Particulars for Steamers.*	Tons.
Deduction for Space required for Propelling Power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - -	
	Feet. Tenths.
Length of Engine Room (if measured) - -	
	Number of Engines.
Engines - - - - -	
	No. of Horses-power.
Combined Power (estimated Horse-power) - - -	
Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (a) -	

I, the undersigned *A. B.*, of , having surveyed the above-named Ship, hereby certify that the above Particulars are true.

Dated at (Signed)

the Day of 18

FORM B. (See Section 38.)

DECLARATION OF OWNERSHIP BY INDIVIDUAL OWNER.

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By Steam or Sails, and if by Steam, whether by Paddle or Screw.

Number of Decks - -		Build - - -	*Carvel or Clincher.*
Number of Masts - -			
Rigging - - - - -	*Nature of, and whether standing or running Bowsprit.*	Gallery - - -	*Description of.*
		Head - - -	*Kind of.*
Stern - - - - - - -	*Round, Square, or other Description.*	Framework - -	*Wood or other Material.*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - - - -		
Main Breadth to Outside of Plank - - - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - - - - - -	
Closed-in Spaces above the Tonnage Deck, if any; *viz.*	
Space or Spaces between Decks - - - - - - -	
Poop - - - - - - - - - - - - - -	
Roundhouse - - - - - - - - - -	
Other inclosed Spaces, if any, naming them - - -	
Total - -	

(a) *Additional Particulars for Steamers.*		
Deduction for Space required for Propelling Power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - - - - -	Tons.	
Length of Engine Room (if measured) - - - - - -	Feet.	Tenths.
Engines - - - - - - - - - - - - - - -	Number of Engines.	
Combined Power (estimated Horse-power) - - - - -	No. of Horses-power.	

(a) *Omit this Part if she has no Steam Power.*

Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (a)	

I, the undersigned *A.B.*, of in the County of declare as follows:

(1.) I am a natural-born British Subject, born at [*naming Birth-place*],

and have never taken the Oath of Allegiance to any Foreign State.	*or*	and have since I took the Oath of Allegiance to a Foreign State [*naming State*], and on the Day of , taking the Oath of Allegiance to Her Majesty, and am resident* at [*naming Place*], being a Place within Her Majesty's Dominions.

* *If the Declarant is a natural-born Subject, who has taken the Oath of Allegiance to a Foreign State, or a Denizen or naturalized Subject, and is resident in a Country not within Her Majesty's Dominions, he must declare, in addition, that "he is a Member of some British Factory, or Partner "in some House actually carrying on Business in the United Kingdom, or in some British Possession"* [*naming the House and also the Place where it carries on its Business*].

I am

a Denizen by Letters of Denization dated the Day of | or | naturalized by Act of Parliament of the United Kingdom of [*cite the Year of the Reign in which the Act was passed, its Chapter and Title.*] | or | naturalized by an Ordinance of the proper Legislative Authority of [*naming British Possession*], [*cite the Year in which the Ordinance was passed, its Chapter and Title.*]

and am resident at [*naming Place*], being a Place within Her Majesty's Dominions.

And I have

since I so become a Denizen, | or | since the passing of the said Act or Ordinance.

and on the Day of taken the Oath of Allegiance to Her Majesty.

(2. The Ship, the Description of which is prefixed to this my Declaration,

was built at [*naming the Country, and Place*] on the Day of , and her Foreign Name is [*these Words to be added if the Ship is Foreign.*] | or | is Foreign-built, and I do not know the Time when or the Place where she was built, and her Foreign Name is | or | was condemned by the Court of [*naming Court*] on the Day of at .

(3.) *C. D.* of is the Master of the said Ship.

(4.) I am entitled to be registered as* Owner of Shares in the said Ship.

(5.) To the best of my Knowledge and Belief, no Person or Body of Persons, other than such Persons or Bodies of Persons as are by The Merchant Shipping Act, 1854, qualified to be Owners of British Ships, is entitled as Owner to any Interest whatever, either legal or beneficial, in the said Ship.

And I make this solemn Declaration conscientiously believing the same to be true.

Dated at the Day of 18 . (Signed)_______________

Made and subscribed by the above-named *A.B.* in the Presence of me

(Signed)_______________ [*Name of Registrar or Justice of the Peace acting in and for*]

* *If the Declaration is made by a joint Owner add the Word "joint" before Owner.*

FORM C. (See Section 39.)

Declaration of Ownership on behalf of a Body Corporate as Owner.

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By Steam or Sails, and if by Steam, whether by Paddle or Screw.

Number of Decks -		Build - - -	*Carvel or Clincher.*
Number of Masts -		Gallery - -	*Description of.*
Rigging - - - -	*Nature of, and whether standing or running Bowsprit.*	Head - -	*Kind of.*
Stern - - - -	*Round, square, or other Description.*	Framework -	*Wood or other Material.*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - - - -		
Main Breadth to Outside of Plank - - - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships, -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - - - - - - -	
Closed-in Spaces above the Tonnage Deck, if any; *viz.*	
Space or Spaces between Decks - - - -	
Poop - - - - - -	
Roundhouse - - - - - -	
Other inclosed Spaces, if any, naming them - - - -	
Total, - - -	

(a) *Additional Particulars for Steamers.*	No. of Tons.	
Deduction for Space required for Propelling Power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured,) -		
	Feet	Tenths.
Length of Engine Room (if measured,) -		
	Number of Engines.	
Engines, - -		
	No. of Horses-power.	
Combined Power, (estimated Horse power) -		
Register Tonnage, (after making Deduction for Space or Propelling Power in Steamers) (a)		

(a) *Omit this Part if she has no Steam Power.*

I, the undersigned *A. B.* of in the County of [*Secretary*], or [*duly appointed public Officer*], of the Company, declare as follows:

1. The said Company was incorporated by or by virtue of

an Act of Parliament of the United Kingdom [*cite the Year of the Reign in which the Act was passed, its Chapter and Title.*] or a Charter granted by Her Majesty, and dated the Day of or an Act or Ordinance of the Legislature of [*cite the Year in which the Act or Ordinance was passed, its Chapter and Title,*] or the Act 7 & 8 Vict. c. 110, from the day of being the Date of the Certificate of complete Registration.

(2.) The said Company is subject to the Laws

of the United Kingdom, } *or* { of the British Possession of

and has its principal Place of Business at

(3.) The Ship, the Description of which is prefixed to this my Declaration,

was built at [*naming the Country and Place*] on the Day of , and her Foreign Name is [*These Words to be added if the Ship is Foreign.*]	*or*	is Foreign-built, and I do not know the Time when or the Place where she was built, and her Foreign Name is	*or*	was condemned by the Court of [*naming Court*] on the Day of at

(4.) *C.D.* of is the Master of the said Ship.

(5.) The said Company is entitled to be registered as Owner of Shares in the said Ship.

(6.) To the best of my Knowledge and Belief no Person or Body of Persons, other than such Persons or Bodies of Persons as are by the Merchant Shipping Act, 1854, qualified to be Owners of British Ships, is entitled as Owner to any Interest whatever, either legal or beneficial, in the said Ship.

And I make this solemn Declaration conscientiously believing the same to be true.

(Signed) ______________________

Dated at
the Day of 18

Made and subscribed by the above-named *A. B.*
in the Presence of me

(Signed) ______________________ {[*Name of Registrar.*]}

FORM D. (See Section 44.)

Certificate of Registry.

No. ____________	*Date of Registry.*

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By Steam or Sails, and if by Steam, whether by Paddle or Screw.

Number of Decks - -		Build - - -	*Carvel or Clincher.*
Number of Masts - -			
Rigging - - - - -	*Nature of, and whether Standing or running Bowsprit.*	Gallery - - -	*Description of.*
		Head - - -	*Kind of.*
Stern - - - - - -	*Round, Square, or other Description.*	Framework - -	*Wood or other Material.*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - - - -		
Main Breadth to Outside of Plank - - - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - - - - - - - -	
Closed-in Spaces above the Tonnage Deck, if any; *viz.*	
Space or Spaces between Decks - - - - - -	
Poop - - - - - - - - - - -	
Roundhouse - - - - - - - - - -	
Other inclosed Spaces, if any, naming them - - -	
Total - -	

(a) *Additional Particulars for Steamers.*	Tons.
Deduction for Space required for Propelling Power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - - - - -	
	Feet. Tenths.
Length of Engine Room (if measured) - - - - - -	
	Number of Engines.
Engines - - - - - - - - - - - - - -	
	No. of Horses-power.
Combined Power (estimated Horse-power) - - - -	

(a) *Omit this Part if she has no Steam Power.*

Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (a)	

I, the undersigned *A. B.*, Registrar of the Port of , hereby certify, that,

(1.) The Ship, the Description of which is prefixed to this my Certificate, has been duly surveyed, and that the above Description is true.

(2.) *C. D.*, of is the Master of the said Ship.

(3.) The said Ship was built at [*naming the Country and Place*] on the Day of and her Foreign Name is [*these Words to be added if the Ship is Foreign*]	*or*	is Foreign-built, and the Time when and the Place where she was built is not known, and her Foreign Name is	*or*	was condemned by the Court of [*naming Court*] on the Day of at

(4.) The several Persons and Bodies Corporate whose Names are hereunder written [*or endorsed*] are Owners of the above Ship, in the Proportions set opposite their respective Names.

(Signed) ______________________ Registrar.

Names of the several Owners above [*or* within] mentioned.	Number of Sixty-fourth Shares held by each Owner
[*Name.*]	*Thirty-two.*
———	*Sixteen.*
———	*Eight.*
———	*Eight.*

(Signed) ______________________ Registrar.

Dated at ______________________

the Day of 18 .

Notice.—A Certificate of Registry granted under the Merchant Shipping Act, 1854, is not a Document of Title. It does not necessarily contain Notice of *all* Changes of Ownership, and in no Case does it contain an Official Record of any Mortgages affecting the Ship.

FORM E. (See Section 55.)

Bill of Sale.

*No.*________ *Date of Registry.*

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By Steam or Sails, and if by Steam, whether by Paddle or Screw.

Number of Decks - -		Build -	*Carvel or Clincher.*
Number of Masts - -			
Rigging -	*Nature of, and whether Standing or running Bowsprit.*	Gallery -	*Description of.*
		Head -	*Kind of.*
Stern - -	*Round, Square, or other Description.*	Framework -	*Wood or other Material.*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - -		
Main Breadth to Outside of Plank - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - -	
Closed-in Spaces above the Tonnage Deck, if any; *viz.* -	
Space or Spaces between Decks - - -	
Poop - -	
Roundhouse - -	
Other inclosed Spaces, if any, naming them - -	
Total - -	

(a) *Additional Particulars for Steamers.*	Tons.
Deduction for Space required for Propelling Power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - - -	
	Feet. Tenths.
Length of Engine Room (if measured) - -	
	Number of Engines.
Engines -	
	No. of Horses-power.
Combined Power (estimated Horse-power) - -	

(a) *Omit this Part if she has no Steam Power.*

Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (a)	

I, *A. B.*, of in the County of , being Owner of Shares in the Ship above particularly described, in consideration of £ paid to me by *C. D.*, of in the County of hereby transfer to the said *C. D.*, the said Shares.

Alter as necessary, if there be more than One Owner.

Further I, *A. B.*, for myself and my Heirs, covenant with the said *C. D.* and his Assigns that I have Power to transfer in manner aforesaid the said Shares, and that the same are free from Incumbrances* *save as appears by the Registry of the said Ship*.

In witness whereof, I have hereunto subscribed my Name and affixed my Seal, this Day of 18

(L.S.) **(Signed)** ______________________

Executed by the above-named in the Presence of

______________________ **[*insert Description and Place of Residence.*]**

**** Omit if no Incumbrances, the words in Italics.***

FORM F. (See Section 56.)

Declaration of Ownership by individual Transferee.

No. ____________ *Date of Registry.*

____

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By Steam or Sails, and if by Steam, whether by Paddle or Screw.

Number of Decks - -		Build - -	*Carvel or Clincher.*
Number of Masts - -		Gallery - -	*Description of.*
Rigging . - -	*Nature of, and whether standing or running Bowsprit.*	Head - -	*Kind of.*
Stern - -	*Round, Square, or other Description.*	Framework -	*Wood or other Material.*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost -		
Main Breadth to Outside of Plank - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - -	
Closed-in Spaces above the Tonnage Deck, if any ; *viz.*,	
Space or Spaces between Decks -	
Poop - -	
Roundhouse - -	
Other inclosed Spaces, if any, naming them -	
Total -	

(a) *Additional Particulars for Steamers.*	
Deduction for Space required for Propelling Power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - -	Tons.
Length of Engine Room (if measured) - -	Feet. Tenths.
Engines - -	Number of Engines.
Combined Power (estimated Horse-power) - -	No. of Horses-power.

(a) *Omit thi[s] Part if she ha[s] no Steam Power.*

Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (a)	

I, the undersigned *A. B.*, of in the County of declare as follows :
(1.) I am a natural-born Subject of Her Majesty, born at [*naming Place of Birth*],

I am

and have never taken the Oath of Allegiance to any Foreign State *or* and have since I took the Oath of Allegiance to a Foreign State [*naming State*] and on the Day of taken the Oath of Allegiance to Her Majesty, and am resident* at [*naming Place*] being a Place within Her Majesty's Dominions

or

a Denizen by Letters of Denization dated the day of *or* naturalized by Act of Parliament of the United Kingdom [*cite the Year in which the Act was passed, its Chapter and Title*] *or* naturalized by an Ordinance of the proper Legislative Authority of [*naming British Possession*] [*cite the Year in which the Ordinance was passed, its Chapter and Title.*]

and am resident at [*naming Place*], being a Place within Her Majesty's Dominions.
And I have

since I so became a Denizen, *or* since the passing of the said Act of Ordinance,

and on the Day of , taken the Oath of Allegiance to Her Majesty.

(2.) To the best of my Knowledge and Belief, no Person or Body of Persons, other than such Persons or Bodies of Persons as are by the Merchant Shipping Act, 1854, qualified to be Owners of British Ships, is entitled as Owner to any Interest whatever, either legal or beneficial, in the said Ship.

And I make this solemn Declaration conscientiously believing the same to be true.

(Signed) ______________________

Dated at
the Day of 18 :

Made and subscribed by the above-named *A. B.*
in the Presence of me

(Signed) ______________________ *Name of Registrar or Justice of the Peace acting in and for*

* *If the Declarant is a natural-born Subject, who has taken the Oath of Allegiance to a Foreign State, or a Denizen or a naturalized Subject, and is resident in a Country not within Her Majesty's Dominions, he must declare in addition, that "he is a Member of some British Factory, Partner "in some House actually carrying on Business in the United Kingdom or in some British Possession"* [*naming the House and also the Place where it carries on its Business.*]

FORM G. (See Section 56.)

DECLARATION OF OWNERSHIP ON BEHALF OF A BODY CORPORATE AS TRANSFERREE.

*No.*____________			*Date of Registry.*
Name of Ship.	**British or Foreign Built.**	**Port of Registry.**	**How propelled.**
			By Steam or Sails, and if by Steam, whether by Paddle or Screw.

Number of Decks - - Number of Masts - - Rigging - - - - - Stern - - - - -	 *Nature of, and whether standing or running Bowsprit.* *Round, Square, or other Description.*	Build - - - Gallery - - - Head - - - Framework - -	*Carvel or Clincher.* *Description of.* *Kind of.* *Wood or other Material.*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - -		
Main Breadth to Outside of Plank - - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - - - - - -	
Closed-in Spaces above the Tonnage Deck, if any; *viz.*,	
Space or Spaces between Decks - - - - -	
Poop - - - - - - - - - - - - - -	
Roundhouse - - - - - - - - - - -	
Other inclosed Spaces, if any, naming them . - - -	
Total - -	

(a) *Additional Particulars for Steamers.*	
Deduction for Space required for Propelling Power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - - - - -	Tons.
Length of Engine Room (if measured) - - - -	Feet. Tenths.
Engines - - - - - - - - - - - -	Number of Engines.
Combined Power (estimated Horse-power) - - - -	No. of Horses-power.

(a) *Omit this Part if she has no Steam Power.*

Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (a)	

I, the undersigned *A. B.*, of in the County of [*Secretary*], or *duly appointed public Officer*], of the Company, declare as follows :-

(1.) The said Company was incorporated by or by virtue of

an Act of Parliament of the United Kingdom [*cite the Year in which the Act was passed, its Chapter and Title*]	***or***	**a Charter granted by Her Majesty, and dated the Day of**	***or***	**an Act or Ordinance of the Legislature of [*cite Year in which the Act or Ordinance was passed, its Chapter and Title*]**	***or***	**the Act 7 & 8 Vict. c. 110, from the Day of being the Date of the Certificate of complete Registration.**

(2.) The said Company is subject to the Laws

of the United Kingdom, ***or*** **of the British Possession of ________________,**

and has its principal Place of Business at

(3.) The said Company is entitled to be registered as Transferree of Shares in the said Ship.

And I make this solemn Declaration conscientiously believing the same to be true.

(Signed) ____________________

Dated at ____________________

the Day of 18 .

Made and subscribed by the above-named *A. B.*,
in the Presence of me

(Signed) ____________________ [*Name of Registrar.*]

FORM H. (See Section 58.)

DECLARATION BY OWNER TAKING BY TRANSMISSION.

*No.*________ *Date of Registry.*

____

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By Steam or Sails, and if by Steam, whether by Paddle or Screw.

Number of Decks -		Build -	*Carvel or Clincher.*
Number of Masts -		Gallery -	*Description of.*
Rigging -	*Nature of, and whether standing or running Bowsprit.*	Head -	*Kind of.*
Stern -	*Round, Square, or other Description.*	Framework -	*Wood or other Material.*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - - - -		
Main Breadth of Outside of Plank - - - - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - - - - - - -	
Closed-in Spaces above the Tonnage Deck, if any; *viz.*	
Space or Spaces between Decks - - - - -	
Poop - - - - - - - - -	
Roundhouse - - - -	
Other inclosed Spaces, if any, naming them - -	
Total, - -	

(a) *Additional Particulars for Steamers.*	
Deduction for Space required for Propelling Power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - - - -	Tons.
Length of Engine Room (if measured) - - -	Feet. Tenths.
Engines - - - -	Number of Engines.
Combined Power (estimated Horse-power) - -	No. of Horses-power.

(a) *Omit this part if she has no Steam Power.*

Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (a)	

I, (b) the undersigned *A. B.*, of in the County of declare as follows:

(b) *Alter accordingly if more than One Person makes the Declaration.*

(1.) I am a natural-born Subject of Her Majesty, born at [*naming Place of Birth*]

and have never taken the Oath of Allegiance to any Foreign State. *or* and have since I took the Oath of Allegiance to a Foreign State [*naming State*] and on the Day of taken the Oath of Allegiance to Her Majesty, and am resident* at [*naming Place*] being a Place within Her Majesty's Dominions.

or

I am

a Denizen by Letters of Denization dated the Day of *or* naturalized by Act of Parliament of the United Kingdom [*cite the Year in which the Act was passed, its Chapter and Title.*] *or* naturalized by an Ordinance of the proper Legislative Authority of [*naming British Possession*] [*cite the Year in which the Ordinance was passed, its Chapter and Title.*]

and am resident at [*naming Place*], being a Place within Her Majesty's Dominions.

And I have

since I so became a Denizen, *or* since the passing of the said Act or Ordinance,

and on the Day of , taken the Oath of Allegiance to Her Majesty.

Alter according to circumstances.

(2.) I declare that the Person appearing by the Register Book to be the Owner of Shares in the Ship above described† [*died at in the County of having first duly made his Will dated the Day of whereby he appointed me Executor, and I proved his said Will on the Day of in the Court of*] or [*died at in the County of on the Day of intestate, and that Letters of Administration of his Estate and Effects were on the Day of duly granted to me by the Court of*]

or

We declare that *C. D.*, the Person appearing on the Register Book to be the Owner of Shares in the Ship above described, was on the Day of † [*duly adjudged a Bankrupt*] or [*declared insolvent*], and that we were on the Day of appointed Assignees of the said *C.D.*, and we are by Law entitled to be registered as Owners of the said shares of the said Ship in place of the said *C. D.*

or

I declare that on the Day of I intermarried with and am now the Husband of *C. D.*, the Person appearing on the Register Book to be the Owner of Shares in the said Ship, and I declare that on such Marriage the Interest of the said *C.D.* became by Law vested in me, and that I am entitled to be registered as Owner of the said shares in place of the said *C. D.*

(3.) To the best of my Knowledge and Belief, no Person or Body of Persons other than such Persons or Bodies of Persons as are by the Merchant Shipping Act, 1854, qualified to be Owners of British Ships, is entitled as Owner to any Interest whatever, either legal or beneficial, in the said Ship.

And I make this solemn Declaration conscientiously believing the same to be true.

(Signed) ____________________

Dated at

the Day of 18

Made and subscribed by the above-named *A. B.*, in the Presence of me

Signed) ____________________ *Name of Registrar or Justice of the Peace, acting in and for*

* *If the Declarant is a natural-born Subject, who has taken the Oath of Allegiance to a Foreign State, or a Denizen or a naturalised Subject, and is resident in a Country not within Her Majesty's Dominions, he must declare in addition, that " he is a Member of some British Factory, Partner in " some House actually carrying on Business in the United Kingdom or in some British Possession" [naming the House and also the Place where it carries on its Business].*

FORM I. (See Section 66.)

FORM OF MORTGAGE.

No. ________	*Date of Registry.*
________	

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By Steam or Sails, and if by Steam, whether by Paddle or Screw.

Number of Decks - -		Build - - -	*Carvel or Clincher.*
Number of Masts - -		Gallery - - -	*Description of.*
Rigging - - - - - -	*Nature of, and whether standing or running Bowsprit.*	Head - - -	*Kind of.*
Stern - - - - - - -	*Round, Square, or other Description.*	Framework - -	*Wood or other Material.*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - - -		
Main Breadth to Outside of Plank - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - - -	
Closed-in Spaces above the Tonnage Deck, if any ; *viz.* -	
Space or Spaces between Decks - - - - -	
Poop - - - - - - - - -	
Roundhouse - - - - - - - -	
Other inclosed Spaces, if any, naming them - - -	
Total - -	

(a) *Additional Particulars for Steamers.*	Tons.
Deduction for Space required for Propelling Power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - - - - -	
	Feet. Tenths.
Length of Engine Room (if measured) - - - - -	
	Number of Engines.
Engines - - - - - - - - -	
	No. of Horses-power.
Combined Power (estimated Horse-power) - - - -	

(a) Omit this Part if she has no Steam Power.

Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (a)	

I, the undersigned *A. B.*, of , in the County of in consideration of £ this Day lent to me by *C. D.* of in the County of do hereby for myself and my Heirs covenant with the said *C. D.*, firstly, that I, or my Heirs, Executors, or Administrators, will pay to the said *C. D.* the said Sum of £ together with Interest

Alter Covenant as may be necessary, so as to secure a general Balance of Accounts or otherwise, as the Case may require.

thereon at the Rate of £ by the £100 in the Year. on the Day of next; and, secondly, that if the said Principal Sum is not paid on the said Day, I, or my Heirs, Executors, or Administrators, will, during such Time as the same or any Part thereof remain unpaid, pay to the said *C.D.* Interest on the whole or such Part thereof as may for the Time being remain unpaid at the Rate of £ by the £100 in the Year, by equal half-yearly Payments, on the Day of and Day of in every Year; and for better securing to the said *C. D.*, the Repayment in manner aforesaid of the said Principal Sum and Interest, I hereby mortgage to the said *C. D.* Shares of which I am the Owner in the Ship above particularly described.

Lastly, I, *A. B.*, for myself and my Heirs, covenant with the said *C. D.* and his Assigns, that I have Power to mortgage in manner aforesaid the above-mentioned Shares, and that the same are free from Incumbrances * *save as appears by the Registry of the said Ship*.

In witness whereof I have hereto subscribed my Name and affixed my Seal, this Day of

(L.S.) (Signed) ______________________

Executed by the above-named *A.B.*
in the Presence of *X.Y.*

FORM K. (See Section 73.)

TRANSFER OF MORTGAGE TO BE ENDORSED ON ORIGINAL MORTGAGE.

I, the within-mentioned *C. D.*, in consideration of £ this Day paid to me by *X.Y.* of in the County of hereby transfer to him the Benefit of the within-written Security. In witness whereof I have hereunto subscribed my Name and affixed my Seal, this Day of

(L.S.) (Signed) ______________________

Executed by the above-named *C.D.*,
in the Presence of *E. F.*

---

* *Omit, if no Incumbrances, the Words in Italics.*

FORM L. (See Section 74.)

DECLARATION BY MORTGAGEE TAKING BY TRANSMISSION.

No. ________	*Date of Registry.*
________________	

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By Steam or Sails, and if by Steam, whether by Paddle or Screw.

Number of Decks -		Build - -	*Carvel or Clincher.*
Number of Masts -		Gallery - -	*Description of.*
Rigging - - -	*Nature of, and whether standing or running Bowsprit.*	Head - -	*Kind of.*
Stern - - - -	*Round, Square, or other Description.*	Framework -	*Wood or other Material.*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - -		
Main Breadth to Outside of Plank - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - - - - -	
Closed-in Spaces above the Tonnage Deck, if any; *viz.*,	
Space or Spaces between Decks - - -	
Poop - - - - - - - - -	
Roundhouse - - - - - - -	
Other inclosed Spaces, if any, naming them - - -	
Total, - -	

(a) *Additional Particulars for Steamers.*	Tons.
Deduction for Space required for Propelling Power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - - - -	
	Feet. Tenths.
Length of Engine Room (if measured) - - - -	
	Number of Engines.
Engines - - - - - - - - -	
	No. of Horses-power.
Combined Power (estimated Horse-power) - - -	

(a) *Omit this Part if she has no Steam Power.*

Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (a)	

I, the undersigned *A. B.* of in the County of declare as follows :

I declare that the Person appearing by the Register Book to be the Mortgagee of Shares in the Ship above described* [*died at in the County of having first duly made his Will, dated the Day of whereby he appointed me Executor, and I proved his said Will on the Day of in the Court of*], or [*died at in the County of on the Day of intestate, and that Letters of Administration of his Estate and Effects were on the Day of duly granted to me by the Court of*]

or

We declare that *C.D.*, the Person appearing on the Register Book to be the Mortgagee of Shares in the Ship above described* *was on the Day of* [*duly adjudged a Bankrupt*], or [*was duly declared insolvent*], and that we were on the Day of appointed Assignees of the said *C.D.*, and we are by Law entitled to be registered as Mortgagees of the said Shares of the said Ship in place of the said *C. D.*

or

I declare that on the Day of I intermarried with and am now the Husband of *C. D.*, the Person appearing on the Register Book to be the Mortgagee of Shares in the said Ship, and I declare that on such Marriage the Interest of the said *C.D.* became by Law vested in me, and that I am entitled to be registered as Mortgagee of the said Shares in place of the said *C. D.*

And I make this solemn Declaration conscientiously believing the same to be true.

(Signed) ____________________

Made and subscribed by the above-named *A. B.* in the Presence of me

(Signed) ____________________ *Registrar or Justice of the Peace.*

* *Alter according to Circumstances.*

FORM M. (See Section 79.)

CERTIFICATE OF MORTGAGE.

*No.*________ ________________			*Date of Registry.*
Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By Steam or Sails, and if by Steam, whether by Paddle or Screw.

Number of Decks - -		Build - - -	*Carvel or Clincher.*
Number of Masts - -		Gallery - - -	*Description of.*
Rigging - - - - -	*Nature of, and whether standing or running Bowsprit.*	Head - - -	*Kind of.*
Stern - - - - - -	*Round, Square, or other Description.*	Framework - -	*Wood or other Material.*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - - - - -		
Main Breadth to Outside of Plank - - - - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - - - - - -	
Closed-in Spaces above the Tonnage Deck, if any; *viz.*,	
Poop - - - - - - - - - - - - -	
Space or Spaces between Decks - -	
Roundhouse - - - - - - - - - - -	
Other inclosed Spaces, if any, naming them - - -	
Total - -	

(a) *Additional Particulars for Steamers.*	Tons.
Deduction for Space required for Propelling Power, (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - - - - -	
Length of Engine Room (if measured) - - - - - -	Feet. Tenths.
Engines - - - - - - - - - - - - -	Number of Engines.
Combined Power (estimated Horse power) - - - - -	No. of Horses-power.
Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (a)	

(a) *Omit this Part if she has no Steam Power.*

ACCOUNT OF TITLE OF SUBSCRIBING OWNERS.

Names of the several subscribing Owners.	Number of Sixty-fourth Shares held by each of the subscribing Owners.	Account of Mortgages or Certificates of Mortgage or Sale granted in respect of Shares of subscribing Owners.
(Name and Description of Owner.)		

Alter accordingly if there is only One Appointor or One Attorney.

(1.) We, the several above-mentioned Persons, whose Names are hereunto subscribed, being Owners of the above Ship in the Proportions set opposite our respective Names in the above Account of Title, *(but subject to the several Mortgages above mentioned,)* hereby appoint *A. B.* of and *C. D.* of and each of them, our Attornies and Attorney jointly or severally in our Names and on our Behalf to mortgage our Shares in the above Ship, and to execute and do all such Deeds, Matters and Things as may be necessary for carrying into effect the Power hereby given.

(2.) We declare that the Amount of Money to be raised by Mortgage under this Power shall not exceed £ and that the Rate of Interest at which the same is raised shall not exceed £ for every £100 by the Year.

(3.) We declare that the Power of mortgaging hereby given may be exercised.

(4.) We declare that the above Power shall not be exercised after the Expiration of Months from the Date hereof.

In witness whereof, we have hereunto subscribed our Names and affixed our Seals, this Day of

(L.S.) *E. F.* of
(L.S.) *G. H.* of
&c.

I, *M. N.*, Registrar of hereby certify, that the above-written Particulars relating to the Ship __________, and to the Title of the several above-mentioned Owners, are correct; and I further certify, that the said Owners have executed this Certificate in manner above appearing.

Signed __________, Registrar.

N. B.—Mortgages created under this Power must be endorsed on the Certificate in the following Form, or as near thereto as Circumstances permit :—

The Day of
*The within mentioned Shares in the Ship __________ were this Day mortgaged to X. Y. of __________, to secure * £ __________ and Interest.*

Signed __________ } Registrar or Consular Officer.

** If the Mortgage is to cover Advances, insert " a Sum not exceeding £ ," or " General Balance of Account," as Case may be.*

FORM N. (See Section 79.)

Certificate of Sale.

N.B.—All the Owners of the Ship must be Parties to this Documen .

No.____________			Date of Registry.
Name of Ship.	**British or Foreign Built.**	**Port of Registry.**	**How propelled.**
			By Steam or Sails, and if by Steam, whether by Paddle or Screw.

Number of Decks -		Build - - -	*Carvel or Clincher.*
Number of Masts -		Gallery - - -	*Description of.*
Rigging - -	*Nature of, and whether standing or running Bowsprit.*	Head - - -	*Kind of.*
Stern - -	*Round, Square, or other Description.*	Framework - -	*Wood or other Material.*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - -		
Main Breadth to Outside of Plank - - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - - -	
Closed-in Spaces above the Tonnage Deck, if any; *viz.*,	
Space or Spaces between Decks - -	
Poop - - -	
Roundhouse	
Other inclosed Spaces, if any, naming them -	
Total -	

(a) *Additional Particulars for Steamers.*	
Deduction for Space required for Propelling Power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - -	Tons.
Length of Engine Room (if measured) - -	Feet. Tenths.
Engines - - - -	Number of Engines.
Combined Power (estimated Horse-power) - -	No. of Horses-power.

Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (a)

(a) *Omit this Part if she has no Steam Power.*

ACCOUNT OF TITLE TO THE ABOVE-MENTIONED SHIP.

Names of the Owners of the Ship above-mentioned.	Number of Sixty-fourth Shares held by each Owner.	Account of Mortgages, or Certificates of Mortgage, or Sale granted in respect of Ship.
(Name.)		

Alter accordingly if only One Appointor or One Attorney.

(1.) We, the several above-mentioned Persons, whose Names are hereunto subscribed, being Owners of the above Ship in the Proportions set opposite our respective Names in the above-mentioned Account of Title, *(but subject to the several Mortgages above-mentioned,)* hereby appoint *A. B.* of , and *C.D.* of , and each of them, our Attornies and Attorney jointly or severally in our Names and on our Behalf to sell the above Ship, and to execute and to all such Deeds, Matters, and Things as may be necessary for carrying into effect the Power hereby given.

(2.) We declare that the Ship shall not be sold for a less Sum than £

(3.) We declare that the Ship may be sold at

(4.) We declare that the above Power shall not be exercised after the Expiration of Months from the Date hereof.

In witness whereof, we have hereunto subscribed our Names and affixed our Seals, this Day of

(L.S.) *E. F.* of
(L.S.) *G. H.* of
&c.

I, *M.N.*, Registrar of , hereby certify, that the above-written Particulars relating to the Ship and to the Title of the several above-mentioned Owners are correct; and I further certify that the said Owners have executed this Certificate in manner above appearing.

(Signed) ______________________, Registrar.

FORM O. See (Section 83.)

FORM OF REVOCATION.

No.______ *Date of Registry.*

______

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By Steam or Sails, and if by Steam, whether by Paddle or Screw.

Number of Decks -		Build -	*Carvel or Clincher.*
Number of Masts -		Gallery -	*Description of.*
Rigging -	*Nature of, and whether standing or running Bowsprit.*	Head -	*Kind of.*
Stern -	*Round, Square, or other Description.*	Framework -	*Wood or other Material.*

Measurements.	Feet.	Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost - -		
Main Breadth to Outside of Plank - -		
Depth in Hold from Tonnage Deck to Ceiling at Midships -		

Tonnage.	No. of Tons.
Tonnage under Tonnage Deck - -	
Closed-in Spaces above the Tonnage Deck, if any; *viz.*,	
Space or Spaces between Decks - -	
Poop - -	
Roundhouse - -	
Other inclosed Spaces, if any, naming them -	
Total -	

(a) *Additional Particulars for Steamers.*	Tons.
Deduction for Space required for Propelling Power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - -	
Length of Engine Room (if measured) - -	Feet. Tenths.
Engines - -	Number of Engines.
Combined Power (estimated Horse-power) - -	No. of Horses-power.

(a) *Omit this Part if she has no Steam Power.*

Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (a)

We (a) *Owners* of the Ship above described, hereby revoke the Power of mortgaging (or selling) the said Ship given *by us* to (b) by a Certificate of Mortgage (or Sale) dated the Day of

(a) *Alter according to Circumstances the Words printed in Italics.*
(b) *Insert Names of Attornies.*

In witness whereof, we have hereunto subscribed our Names and affixed our Seals, this Day of

(L.S.) *E. F.* of
(L.S.) *G. H.* of
&c.

I, *M. N.*, Registrar of , hereby certify, that the said *Owners* have executed this Power of Revocation in manner above appearing.

(Signed) ______________________ Registrar.

TABLE P. (See Section 125.)

Fees to be charged for Matters transacted at Shipping Offices.

1. Engagement of Crews.

	£	s.	d.
In Ships under 60 Tons	0	4	0
60 to 100 „	0	7	0
100 to 200 „	0	15	0
200 to 300 „	1	0	0
300 to 400 „	1	5	0
400 to 500 „	1	10	0
500 to 600 „	1	15	0
600 to 700 „	2	0	0
700 to 800 „	2	5	0
800 to 900 „	2	10	0
900 to 1,000 „	2	15	0
Above 1,000 „	3	0	0

And so on for Ships of larger Tonnage, adding for every 100 Tons above 1,000, Five Shillings.

2. Engagement of Seamen separately.

Two Shillings for each.

3. Discharge of Crews.

	£	s.	d.
In Ships under 60 Tons	0	4	0
60 to 100 „	0	7	0
100 to 200 „	0	15	0
200 to 300 „	1	0	0
300 to 400 „	1	5	0
400 to 500 „	1	10	0
500 to 600 „	1	15	0
600 to 700 „	2	0	0
700 to 800 „	2	5	0
800 to 900 „	2	10	0
900 to 1,000 „	2	15	0
Above 1,000 „	3	0	0

And so on for Ships of larger Tonnage, adding for every 100 Tons above 1,000, Five Shillings.

4. Discharge of Seamen separately.

Two Shillings for each.

TABLE Q. (See Section 126.)

Sums to be deducted from Wages by way of partial Repayment of Fees in Table P.

1. In respect of Engagements and Discharges of Crews, upon each Engagement and each Discharge.

	s.	d.
From Wages of any Mate, Purser, Engineer, Surgeon, Carpenter, or Steward	1	6
„ all others except Apprentices	1	0

2. In respect of Engagements and Discharges of Seamen separately, upon each Engagement and each Discharge.

One Shilling.

TABLE R. (See Section 133.)

Fees to be charged on Examinations.

	£	s.	d.
For a Certificate as Master	2	0	0
For a Certificate as Mate	1	0	0

TABLE S. (See Section 292.)

Number and Dimensions of Boats with which Sea-going Ships are to be provided.

Registered Tonnage.		Column 1. — To be carried by Sailing Ships and Steam Ships.												Column 2. — To be carried by Sailing Ships and by Steam Ships, when they do not carry the Boats in Col. 3.						Column 3. — To be carried by Steam Ships which do not carry the Boat in Col. 2.												Total Number of Boats.	
		Boats.						Boats.						Launches.						Boats.						Life Boats.							
Sailing Ships.	Steam Ships.	Number.	Length.	Breadth.		Depth.		Number.	Length.	Breadth.		Depth.		Number.	Length.	Breadth.		Depth.		Number.	Length.	Breadth.		Depth.		Number.	Length.	Breadth.		Depth.		Sailing Ships.	Steam Ships.
Tons.	Tons.		Feet.	Feet.	Inch.	Feet.	Inch.		Feet.	Feet.	Inch.	Feet.	Inch.		Feet.	Feet.	Inch.	Feet.	Inch.		Feet.	Feet.	Inch.	Feet.	Inch.		Feet.	Feet.	Inch.	Feet.	Inch.		
—	1000 and upwards	1	18	5	6	2	3	2	24	5	6	2	6	1	27	8	6	3	8	2	22	5	6	2	6	2	28	8	6	3	6	—	7
—	800 to 1000	1	18	5	6	2	8	2	26	6	6	2	8	1	26	8	0	3	8	2	22	5	6	2	6	—	—	—	—	—	—	—	4 or 5
800 and upwards	500 to 800	1	18	5	6	2	8	2	24	5	6	2	6	1	26	8	0	3	8	2	22	5	6	2	6	—	—	—	—	—	—	4	4 or 5
600 to 800	360 to 500	1	16	5	6	2	8	2	24	5	6	2	6	1	25	7	0	3	6	2	22	5	6	2	6	—	—	—	—	—	—	4	4 or 5
400 to 600	240 to 360	1	16	5	6	2	8	1	22	5	6	2	5	1	22	6	6	3	8	2	22	5	6	2	6	—	—	—	—	—	—	3	3 or 4
200 to 400	120 to 240	1	14	5	0	2	2	—	—	—	—	—	—	1	20	6	0	3	0	2	22	5	6	2	6	—	—	—	—	—	—	2	2 or 3
100 to 200	60 to 120	1	14	5	0	2	2	—	—	—	—	—	—	1	16	5	6	2	9	2	18	5	6	2	4	—	—	—	—	—	—	2	2 or 3
Under 100	Under 60	1	14	5	0	2	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	1

(Steam Ships totals: as the Case may be.)

Note.—In Sailing Ships carrying the Number of Boats above specified, and Steam Ships carrying the larger of the Two Numbers above specified, the Boats are to be considered sufficient, if their aggregate Cubic Contents are equal to the aggregate Cubic Contents of the Boats specified.

In Steam Ships carrying the smaller of the Two Numbers above specified, One of the Boats must be a Launch of the Capacity specified in Col. 2.

In Sailing Ships of 200 Tons Burden and under, not carrying Passengers, a Dingy may be substituted for the Boat in Col. 1.

In Sailing Ships of 150 Tons Burden and under, not carrying Passengers, a substantial Boat of Capacity sufficient to carry the Crew may be substituted for those above specified.

In all Steam Ships, Two Paddlebox Boats may be substituted for any Two of the Boats in Col. 3.

TABLE T. (See Section 314.)

Fees to be charged for the Survey of Passenger Steamers.

	£	s.	d.
For Steamers not exceeding 100 Tons - - -	2	0	0
For Steamers exceeding 100 and not exceeding 300 Tons -	3	0	0
For Steamers exceeding 300 and not exceeding 600 Tons -	4	0	0
And for every additional 300 Tons an additional - -	1	0	0

TABLE U. (See Section 333.)

Rates of Pilotage to be Demanded and Received by Qualified Pilots

OUTWARDS.

From	To	7 Feet and under.	8 Feet.	9 Feet.	10 Feet.	11 Feet.	12 Feet.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
The Sea, Orfordness, the Downs, Hoseley Bay, and *vice versa*	Nore Warps	3 13 6	4 2 9	4 12 0	5 1 8	5 5 9	6 5 9
	Gravesend, Chatham, Standgate Creek, or Blackstakes	4 12 0	5 7 9	6 3 3	6 18 0	7 11 9	8 5 6
	Long Reach	4 16 6	5 12 3	6 8 0	7 2 6	7 18 3	8 14 9
	Woolwich or Blackwall	5 5 9	6 1 6	6 17 0	7 11 9	8 10 3	9 4 0
	Moorings or London Docks	5 16 0	6 9 9	7 3 6	7 17 3	8 19 6	9 13 3
The Nore or Warps, and *vice versa*	Gravesend, Standgate Creek, or Blackstakes	1 18 9	2 3 3	2 7 0	2 10 6	2 19 9	3 6 3
	Long Reach or Chatham	2 6 0	2 10 6	2 15 3	2 19 9	3 9 0	3 18 3
	Woolwich or Blackwall	2 15 3	3 1 9	3 8 0	3 13 6	4 2 9	4 10 3
	Moorings or London Docks	3 4 6	3 10 9	3 17 3	4 2 9	4 16 6	5 5 9
Gravesend Reach, and *vice versa*	Long Reach	0 9 3	0 14 9	1 0 3	1 5 3	1 10 0	1 14 6
	Woolwich or Blackwall	1 3 0	1 7 6	1 12 3	1 16 9	2 4 3	2 13 6
	Moorings or London Docks	1 7 6	1 14 0	2 0 6	2 6 0	2 15 3	3 4 6
	Sheerness, Standgate Creek, or Blackstakes	2 15 3	2 19 0	3 1 9	3 4 6	3 13 6	4 2 9
	Chatham	3 4 6	3 8 0	3 10 9	3 13 6	4 2 9	4 12 0
Long Reach, and *vice versa*	Woolwich or Blackwall	0 18 6	1 2 0	1 4 9	1 7 6	1 16 9	2 6 0
	Moorings or London Docks	1 7 6	1 11 3	1 14 0	1 16 9	2 6 0	2 15 3
	Sheerness, Standgate Creek, or Blackstakes	3 4 6	3 8 0	3 10 9	3 13 6	4 2 9	4 12 0
	Chatham	3 13 6	3 17 3	4 0 0	4 2 9	4 12 0	5 1 3
Woolwich or Blackwall, and *vice versa*	Moorings or London Docks	0 18 6	1 2 0	1 4 9	1 7 6	1 10 0	1 12 3
	Sheerness, Standgate Creek, or Blackstakes	3 13 6	3 17 3	4 0 0	4 2 9	4 12 0	5 1 3
	Chatham	4 2 9	4 6 6	4 9 3	4 12 0	5 1 3	5 10 6

TABLE U. (See Section 333.)

for Piloting Ships within the under-mentioned Limits.

OUTWARDS.										
13 Feet.	14 Feet.	15 Feet.	16 Feet.	17 Feet.	18 Feet.	19 Feet.	20 Feet.	21 Feet.	22 Feet.	23 Feet and upwards.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
6 13 6	7 7 3	7 16 6	8 14 9	9 8 6	10 17 0	11 10 0	12 17 6	14 5 3	16 11 3	18 8 0
8 19 6	9 18 3	10 7 0	11 0 9	11 14 6	14 1 6	16 13 0	19 6 6	21 5 0	23 8 9	25 2 3
9 8 6	10 0 0	10 16 3	11 10 0	13 3 6	15 9 0	18 11 9	21 5 0	23 0 0	24 16 9	26 13 6
10 2 6	11 0 9	11 14 6	12 8 6	14 3 6	16 5 9	19 11 0	22 1 6	24 16 9	27 12 0	—
10 11 6	11 10 0	12 8 6	13 2 3	14 14 6	17 0 6	20 10 3	23 4 6	—	—	—
3 11 9	3 15 6	4 2 9	4 10 3	5 1 8	5 16 0	6 8 9	7 14 6	8 14 0	9 13 3	10 12 6
4 2 9	4 7 0	4 13 9	5 5 0	5 16 0	6 15 8	8 5 6	9 13 3	10 12 6	11 11 9	12 15 3
4 19 0	5 8 6	5 16 0	6 4 3	7 2 6	8 3 9	9 4 0	11 11 9	12 11 3	13 16 0	—
5 15 0	6 4 3	6 18 6	7 2 6	8 1 0	9 4 0	11 0 9	12 17 6	13 16 0	—	—
1 19 0	2 3 9	2 8 3	2 13 0	2 17 6	3 2 0	3 6 9	3 11 3	4 12 0	5 10 6	—
3 2 6	3 11 9	3 18 3	4 5 6	4 13 9	5 1 2	6 4 3	7 11 9	8 19 6	9 13 3	—
3 13 6	4 [illegible] 9	4 12 0	5 1 3	5 10 6	5 19 6	7 7 3	8 14 9	—	—	—
4 12 0	5 1 3	5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 5	—	—	—
5 1 3	5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 5	8 5 6	—	—	—
2 15 3	3 4 6	3 13 6	4 2 9	4 12 0	5 3 6	5 16 0	6 8 9	8 5 6	9 4 0	—
3 4 6	3 18 6	4 2 9	4 12 0	5 8 6	5 16 0	6 8 9	7 7 3	9 4 0	—	—
5 1 3	5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 17 6	8 5 6	8 14 9	—	—
5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 6	8 5 6	8 14 9	9 4 0	—	—
1 16 9	2 1 6	2 6 0	2 10 6	2 15 3	2 19 9	3 4 6	3 9 0	—	—	—
5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 6	8 5 6	8 14 9	—	—	—
5 19 6	6 8 9	6 18 0	7 7 3	7 17 6	8 5 6	8 14 9	9 4 0	—	—	—

(Continued)

TABLE U. (*continued.*)

INWARDS.							
From	To	Under 7 Feet.	From 7 Feet to 10 Feet.	11 Feet.	12 Feet.	13 Feet.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
The Downs	Nore, Sheerness, Standgate Creek, Gravesend	5 5 0	7 17 6	8 13 3	9 9 0	10 4 9
	Long Reach	5 16 0	8 8 6	9 9 0	10 4 10	11 3 0
	Blackwall or London.	6 12 3	8 19 6	10 4 9	11 0 6	12 1 6
Standgate Creek	Gravesend	3 6 2	3 17 0	4 8 2	4 19 0	5 10 3

NOTE 1.—Foreign Ships are to pay One Fourth more than British Ships, ing the same Duties of Tonnage as are paid by British Ships, in which Cases British Ships.

NOTE 2.—For Half a Foot exceeding the above Draughts of Water, the portionate Rate.

For putting a Pilot on board, and for Pilotage of Ships to the Anchorage to the Downs.*	60 Tons, and under 150.	150 Tons, and under 250.	250 Tons, and under 400.	400 Tons, and under 600.	600 Tons, and upwards.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
From off Dungeness to off Folkstone; the Church bearing N. N. W. by Compass	2 0 0	3 0 0	3 10 0	4 0 0	5 5 0
From off Folkstone to the South Foreland, the Lights in one	1 10 0	2 0 0	2 10 0	3 0 0	4 4 0
From off the South Foreland to the Downs	1 5 0	1 5 0	1 10 0	2 0 0	3 3 0

* When the Pilot is put on board by a Boat from the Shore, One Seventh to the Pilot, and the remaining Six Sevenths to the Boat and Crew.

TABLE U. *(continued.)*

INWARDS.									
14 Feet.	15 Feet.	16 Feet.	17 Feet.	18 Feet.	19 Feet.	20 Feet.	21 Feet.	22 Feet.	23 Feet and upwards.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
11 0 6	11 16 3	12 12 0	13 7 9	16 1 3	19 0 0	22 1 0	24 5 0	26 9 2	28 13 3
11 18 10	12 18 3	13 14 0	15 0 9	17 14 4	21 4 2	24 5 1	26 9 2	28 13 3	30 17 4
12 17 3	14 0 4	14 16 0	16 13 9	19 7 5	23 8 3	26 9 2	28 13 3	—	—
6 1 3	6 12 3	7 3 3	7 14 4	8 5 4	8 16 4	9 7 4	—	—	—

except when privileged to enter the Ports of the United Kingdom upon pay- such Ships are to pay the same Rates of Pilotage only as are payable by medium Price between the Two Limits.—For intermediate Distances a pro-

In the River Thames, above Gravesend,	For a Boat of a Class carrying an Anchor of above 4 Cwt. with a corresponding Tow Line - - - -	£2 2 0	Per Trip for the whole Distance from Gravesend to London; and in proportion for any Part of that Distance.
	Ditto Ditto, above 2 Cwt., - - - -	1 1 0	
	Ditto Ditto, under 2 Cwt., - - - -	0 15 0	

And for each Man's Service in those Boats, 8*s.* per Tide.

For removing a Ship from Moorings into a Dry or Wet Dock:

For a Ship under 300 Tons*	- - -	£0 15 0
- - - 300 to 600 „	- - - -	1 1 0
- - - 600 to 1,000 „	- - - -	1 11 6
- - - above 1,000 „	- - - -	2 2 0

TABLE V. (See Section 455.)

Fees and Remuneration of Receivers.

	£	s.	d.
For every Examination on Oath instituted by a Receiver with respect to any Ship or Boat which may be or may have been in Distress, a Fee not exceeding -	1	0	0
But so that in no Case shall a larger Fee than Two Pounds be charged for Examinations taken in respect of the same Ship and the same Occurrence, whatever may be the Number of the Deponents.			
For every Report required to be sent by the Receiver to the Secretary of the Committee for managing the Affairs of Lloyd's in London, the Sum of - -	0	10	0
For Wreck taken by the Receiver into his Custody, a Percentage of Five per Cent. upon the Value thereof,			
But so that in no Case shall the whole Amount of Percentage so payable exceed Twenty Pounds.			
In Cases where any Services are rendered by a Receiver, in respect of any Ship or Boat in Distress, not being Wreck, or in respect of the Cargo or other Articles belonging thereto, the following Fees instead of a Percentage; that is to say,			
If such Ship or Boat with her Cargo equals or exceeds in Value Six hundred Pounds, the Sum of Two Pounds for the first, and the Sum of One Pound for every subsequent Day during which the Receiver is employed on such Service, but if such Ship or Boat with her Cargo is less in Value than Six hundred Pounds, One Moiety of the above-mentioned Sum.			

TABLE W. (See Section 486.)

SALVAGE BOND.

[*N. B.—Any of the Particulars not known, or not required, by reason of the Claim being only against the Cargo, &c., may be omitted.*]

WHEREAS certain Salvage Services are alleged to have been rendered by the Ship [*insert Names of Ship and of Commander*], Commander, to the Merchant Ship [*insert Names of Ship and Master*], Master, belonging to [*Name and Place of Business or Residence of Owner of Ship*], freighted by [*the same of the Freighter*], and to the Cargo therein, consisting of [*state very shortly the Descriptions and Quantities of the Goods, and the Names and Addresses of their Owners and Consignees*]:

And whereas the said Ship and Cargo have been brought into the Port of [*insert Name and Situation of Port*], and a Statement of the Salvage Claim has been sent to [*insert the Name of the Consular Officer or Vice-Admiralty Judge, and of the Office he fills*], and he has fixed the Amount to be inserted in this Bond at the Sum of [*state the Sum*]:

Now I, the said [*Master's Name*], do hereby, in pursuance of the Merchant Shipping Act, 1854, bind the several Owners for the Time being of the said Ship and of the Cargo therein, and of the Freight payable in respect of such Cargo, and their respective Heirs, Executors, and Administrators, to pay among them such Sum not exceeding the said Sum of [*state the Sum fixed*], in such Proportions and to such Persons as [*if the Parties agree on any other Court, substitute the Name of it here,*] the High Court of Admiralty in England shall adjudge to be payable as Salvage for the Services so alleged to have been rendered as aforesaid.

In witness whereof I have hereunto set my Hand and Seal, this [*insert the Date*] Day of

Signed, sealed, and delivered by the said [*Master's Name*].

(L.S.)

In the Presence of [*Name of Consular Officer or Vice-Admiralty Judge, and of the Office he fills*].